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ABSTRACT

This report for Congress recommends improvements in the federal government's system for processing the individual discrimination complaints of federal employees and job applicants. The content is presented in seven chapters. The first, an introduction, presents the scope of review. The second chapter on system planning and implementation covers the placement and structure of the discrimination complaint system and determining financial and personnel resources. Chapter 3 discusses the fairness and impartiality of discrimination complaint systems; essentially, complainants are generally apprised of and afforded their rights, agencies are not consistent in rejecting or canceling complaints, and there is a need to preclude misuse of the complaint system. Focus of the fourth chapter is on the resolution of complaints; discussed are the need for improved data or alternate procedures for assessing informal resolution, the basis for and causes of informal and formal complaints, and corrective actions of formal complaints. Chapter 5 on timeliness of complaint processing discusses processing time, factors affecting the processing of formal complaints, and action taken by the Civil Service Commission (CSC). The sixth chapter covers program reviews and evaluation, while the last briefly discusses the need for improved CSC procedure for handling third-party complaints and the need for uniformity in equal employment opportunity laws. (EM)

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REPORT TO THE CONGRESS

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

System For Processing Individual Equal Employment Opportunity Discrimination Complaints: Improvements Needed

Civil Service Commission

Though the Civil Service Commission has established and other Federal agencies have put into practice an extensive system for processing individual complaints, many aspects of the operation and evaluation of the system need improvement.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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FPCD-76-77

APRIL 8, 1977

CE 017 251

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-178929

To the President of the Senate and the
Speaker of the House of Representatives

This report recommends improvements in the Federal Government's system for processing the individual discrimination complaints of Federal employees and job applicants.

We made our review pursuant to the Budgeting and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Chairman, Civil Service Commission; the Secretaries of Defense, Air Force, Agriculture, Commerce, Health, Education, and Welfare, Interior, and Transportation; the Administrators of the General Services and Veterans Administrations; and the Postmaster General.

Comptroller General
of the United States

CE 017 251

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

SYSTEM FOR PROCESSING INDIVIDUAL EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINTS: IMPROVEMENTS NEEDED
Civil Service Commission

D I G E S T

Though the Civil Service Commission has established and other Federal agencies have put into practice an extensive system for processing individual discrimination complaints, many aspects of the system need improvement.

At nine Federal agencies and departments, the planning and actions taken to make sure that discrimination complaint system objectives are met can be improved in several areas. These include

--management commitment,

--how and where the system is structured in the agency, and

--determining financial resources required and analyzing staff needs and qualifications. (See pp. 6 to 20.)

The system helps employees to protect their rights of equal opportunity and at the same time gives agencies and supervisory personnel protection against unsupported accusations involving allegations of discrimination. (See p. 1.)

Employees or applicants for Federal employment who believe they have been discriminated against because of race, color, religion, sex, national origin, or age can discuss the problem with a counselor. This is referred to as the informal stage. If the counselor cannot resolve the matter informally, the employee may file a formal complaint with the agency. (See pp. 2 and 3.)

Government-wide costs reported for informal counseling were about $9 million and $10.3 million in fiscal years 1974 and 1975, respectively. Cost estimates reported for formal complaint processing were about $9 million in fiscal year 1974

FPCD-76-77

Year Sheet. Upon removal, the report cover date should be noted hereon.

and $13.4 million in fiscal year 1975. Estimated costs for counseling and formal complaint processing for fiscal year 1976 were $12.6 million and $15.7 million, respectively. (See p. 9.)

The nine agencies reviewed, however, did not have reliable data on the costs of operating their discrimination complaints systems, and Government-wide cost data was not adequate. Data available, however, shows a trend of increasing costs and that the trend will continue.

Certain problems came up, regarding fairness and impartiality, timeliness, and complaint resolution. For example:

--Complainants were not always made aware of and afforded their rights.

--Fear of reprisals or actual reprisals concerned complainants and individuals who had not filed complaints.

--Rights of alleged discriminatory officials required reexamination.

--Equal employment opportunity officials named as alleged discriminatory officials can become involved in potential conflict situations.

--Processing of formal complaints is not generally accomplished within the established 180-calendar-day standard.

--When findings of discrimination were made, agencies were generally making seemingly appropriate remedies but were not correcting personnel management deficiencies or taking disciplinary action against discriminatory officials. (See pp. 22 to 33.)

The extent of emphasis on and the success of the informal resolution stage could not be determined because of unreliable statistical information. (See pp. 36-37 and 46.)

Although the Commission, in its guidance to agencies,

provides that each agency require its equal opportunity director to change agency programs and procedures to eliminate discriminatory practices, the Commission has not paid enough attention to systemic discriminatory practices. It has almost solely worked on processing individual complaints. (See pp. 44-45 and 47.)

Neither the Commission nor the agencies reviewed have adequately reviewed and evaluated the discrimination complaint system. More importantly, however, sound reviews and evaluations are not possible because adequate data is lacking. (See pp. 58 to 61.)

The Commission did not provide for processing third-party complaints in the same way as individual complaints by employees or applicants for employment were processed. For instance, when a third-party complaint was filed in which an organization or some other third-party called an agency's attention to discriminatory policies and practices, the third-party procedures were not intended to obtain redress in individual cases, unless a complaint was filed personally. However, effective April 18, 1977, procedures allowing for consolidation of complaints (class complaints) will replace the procedures for processing third-party allegations. (See p. 62.)

Because of the variances between the Equal Employment Opportunity Act of 1972 and the Age Discrimination in Employment Act of 1967, Commission regulations on the processing of age discrimination complaints do not entirely parallel those for complaints based on race, color, sex, religion, and national origin with respect to the right to pursue civil actions. These variances, in GAO's opinion, are unfair, creating a climate of confusion for complainants and for personnel responsible for administering the complaint system. (See pp. 62-63.)

RECOMMENDATIONS

The Chairman of the Civil Service Commission should emphasize that agencies should properly plan and implement their discrimination complaint systems. The Chairman and the heads of the nine agencies reviewed should take action to improve their reviews and evaluations of complaint systems. The report presents a number of other recommendations to the Commission and the nine agencies reviewed,

to improve specific aspects of the Federal discrimination complaint system. (See pp. 19, 32, 47, 57, 60, and 63.)

The Commission and agencies reviewed generally agreed with the recommendations. The Commission is developing new and revised guidelines for agencies concerning several problems identified by GAO. Adopting and implementing these guidelines will improve the Government's discrimination complaint system.

Contents

		Page
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Scope of review	3
2	SYSTEM PLANNING AND IMPLEMENTATION CAN BE IMPROVED	6
	Agency placement and structure of discrimination complaint system	6
	System placement	7
	System structure	8
	Determining financial resources	8
	Determining personnel resources	10
	Lack of coordinated, systematic analysis by agencies to determine staffing needs	11
	Lack of criteria for assigning full-time or part-time staff	12
	Need for improvement in representation for certain EEO positions	13
	Nonsubstantiated certification of EEO officials' qualifications	14
	Lack of personnel expertise	15
	Need for additional training for EEO personnel	16
	Need for improved supervision, control, and evaluation for employees performing EEO functions on a collateral duty basis	17
	Need for a classification standard for EEO positions	17
	Conclusions	17
	Recommendations	19
	CSC comments and actions	20
3	FAIRNESS AND IMPARTIALITY	22
	Complainants generally apprised of and afforded rights	23
	Rights of complainants during informal counseling	23
	Rights of formal complainants	24
	Agencies not consistent in rejecting/ canceling complaints	25

CHAPTER		Page
3	Need to preclude misuse of the complaint system	27
	Need to emphasize freedom from reprisal	28
	Need for reexamination of the rights of alleged discriminatory officials	28
	Potential conflicts may exist when EEO officials are named as alleged discriminatory officials	29
	Complaint system not always perceived to be fair and impartial	30
	Employees not knowledgeable about complaint system	31
	Conclusions	31
	Recommendations	32
	Agency comments	33
4	RESOLUTION OF COMPLAINTS	35
	Need for improved data or alternate procedures for assessing informal resolution	36
	Basis for and causes of informal complaints	37
	Corrective actions in informal stage	38
	Formal resolution of complaints	39
	Basis for and causes of formal complaints	39
	Corrective actions on formal complaints	41
	Agency disposition of cases	41
	Complaints acted on by Appeals Review Board	42
	Complaints appealed to CSC Commissioners	43
	Findings of discrimination	43
	Need to identify personnel management deficiencies and systemic discriminatory practices	44
	Little disciplinary action taken by agencies	45
	Appealing cases to civil courts	46
	Conclusions	46
	Recommendations	47
	Agency comments	47

CHAPTER		Page
5	TIMELINESS OF COMPLAINT PROCESSING	49
	Processing time for complaints	49
	Informal counseling	50
	Formal complaints	51
	Factors affecting processing of formal complaint cases	51
	CSC monitoring and action taken	53
	Conclusions	56
	Recommendation	57
	Agency comments	57
6	PROGRAM REVIEWS AND EVALUATION	58
	Agency evaluations of discrimination complaint systems	58
	CSC evaluations of discrimination complaint systems	59
	Conclusions	60
	Recommendations	60
	Agency comments	61
7	OTHER MATTERS	62
	Need for improved CSC procedure for handling third-party complaints	62
	Need for uniformity in EEO laws	62
	Recommendation	63
	CSC comments and actions	63
APPENDIX		
I	Discrimination complaint system processing procedures	64
II	Departments and agencies at which EEO discrimination complaint systems were reviewed	65
III	November 22, 1976, letter from the Executive Director of CSC	67
IV	September 13, 1976, letter from the Assistant Secretary for Administration and Director of EEO of the Department of Agriculture	77
V	September 8, 1976, letter from the Deputy to the Secretary (Personnel Policy) of the Department of the Air Force	78

APPENDIX		Page
VI	August 23, 1976, letter from the Assistant Secretary for Administration of the Department of Commerce	79
VII	September 17, 1976, letter from the Administrator of the General Services Administration	80
VIII	October 12, 1976, letter from the Assistant Secretary, Comptroller of HEW	81
IX	September 23, 1976, letter from the Assistant Secretary of the Department of the Interior	82
X	September 2, 1976, letter from the Postmaster General	83
XI	September 27, 1976, letter from the Assistant Secretary for Administration from the Office of the Secretary of Transportation	84
XII	September 8, 1976, letter from the Administrator of VA	87
XIII	Principal officials responsible for administering activities discussed in this report	88

ABBREVIATIONS

CSC	Civil Service Commission
EEO	equal employment opportunity
GAO	General Accounting Office
HEW	Department of Health, Education, and Welfare
VA	Veterans Administration

CHAPTER 1

INTRODUCTION

Processing complaints of employment discrimination is an important aspect of the Federal Government's efforts to eliminate unequal treatment of individuals. The complaint system helps employees to protect their rights of equal opportunity and at the same time gives agencies and supervisory personnel protection against unsupported allegations of discrimination. The system is a highly visible indicator of agency commitment to equal employment opportunity (EEO); if it fails to adequately process discrimination complaints and actively deal with discrimination issues, the system can negatively affect the credibility of the Federal EEO effort.

Before 1965 the President's Committee on EEO had primary responsibility for coordinating the Government's EEO program. In January 1965 the Committee delegated authority for operating the discrimination complaint system to the Civil Service Commission (CSC), because the limited size of the Committee's staff made it difficult to close cases as promptly as desired. CSC was responsible for the system and issued guidelines during the period 1966 to 1969 under the authority of Executive Order 11246, dated September 24, 1965, amended by Executive Order 11375, dated October 13, 1967. Additionally, in July 1969 CSC issued revised guidelines.

Executive Order 11478, dated August 8, 1969, gave CSC the authority to provide guidance in the conduct of EEO programs in Federal departments and agencies. The order directed CSC to provide for

--prompt, fair, and impartial consideration of all Federal employment discrimination complaints which are based on race, color, religion, sex, or national origin and

--appeals of decisions to CSC following impartial review by the Federal agency involved.

The order also directed that agency systems provide for counseling of employees who believe they have been discriminated against and to encourage resolution of matters on an informal basis.

In May 1972 CSC issued detailed guidance for achieving the goals and intent of Executive Order 11478. The guidance,

a general framework for operation of the discrimination complaint sytem, provided for:

--Prompt resolution of complaints on an informal basis.

--Prompt, fair, and impartial consideration of formal discrimination complaints.

--Appeals of decisions to CSC following impartial review by the Federal agency involved.

The Equal Employment Opportunity Act of 1972 (Public Law 92-261, approved Mar. 24, 1972, 86 Stat. 103, 42 U.S.C. § 2000e) amended title VII of the 1964 Civil Rights Act to provide added protection for Federal employees so that personnel actions would be free from discrimination based on race, color, sex, religion, or national origin. The act

--gave CSC the authority to enforce equal employment and nondiscrimination and to grant full relief from discriminatory practices to aggrieved employees or applicants, including hiring or reinstatement with or without backpay, as appropriate;

--provided aggrieved employees access to the courts if they were not satisfied with final actions taken on their cases by the agency or CSC's Appeal Review Board; and

--strengthened the system of discrimination complaint processing and required that complaints be resolved within 180 days of filing.

The Age Discrimination in Employment Act of 1967, which previously applied only to employees in private enterprise, was amended by section 28(b)(2) of Public Law 93-259 (Fair Labor Standards Amendments of 1974, approved Apr. 8, 1974, 88 Stat. 55, 29 U.S.C. §633a) to include Federal, State, and local governments. The law requires that all personnel actions affecting Federal employees or applicants for Federal employment who are 40 to 64 years old be free from discrimination based on age.

The system operates in the following manner. Employees or applicants for Federal Employment who believe they have been subjected to discrimination because of race, color, religion, sex, national origin, or age must first discuss the problem with an EEO counselor. (This is referred to as the informal stage of the process.) If the counselor is

unable to resolve the matter informally, the employee may file a formal complaint with the agency. After the agency makes a formal investigation of the complaint, it allows for an adjustment of the complaint on an informal basis. To this end, the agency furnishes the complainant or his or her representative a copy of the investigative file and allows the complainant to discuss the file with appropriate officials so as to work toward informal resolution. If the complaint is not resolved through this means, the complainant may request (1) a hearing before a complaints examiner who submits a recommended decision to the head of the agency or his or her designee followed by a subsequent agency decision or (2) a decision by the head of the agency or his designee without a hearing. If the complainant is still not satisfied with the decision on his or her complaint, he or she may make an appeal to CSC's Appeals Review Board or may file a civil action in U.S. District Court. If the complainant elects to appeal to CSC, but is dissatisfied with the Appeals Review Board decision, he or she may file a civil action. Complainants have the right to be represented at any stage of the presentation of a complaint including the counseling stage. (See app. I for a procedural diagram of the system.)

The reported number of formal complaints of discrimination filed by Federal employees and applicants for Federal employment was 7,059 in fiscal year 1976, compared to 2,743 in fiscal year 1973 and 1,025 in fiscal year 1970. Government-wide costs reported for formal complaint processing were about $9 million in fiscal year 1974 and $13.4 million in fiscal year 1975, and for informal counseling were about $9 million and $10.3 million in fiscal years 1974 and 1975, respectively. Estimated costs for counseling and formal complaint processing for fiscal year 1976 were $12.6 and $15.7 million, respectively.

SCOPE OF REVIEW

We reviewed the discrimination complaint systems of nine Federal departments and agencies at their headquarters. We visited five constituent agencies within these departments and agencies, both at headquarters and at 22 field installations. Our purpose was to:

--Assess compliance with the law, Executive orders, and CSC regulations and procedures.

--Determine agencies' commitments to system operations.

--Evaluate system operations regarding promptness, fairness, impartiality, and complaint resolution.

--Determine the emphasis placed on informal resolution of complaints.

The departments and agencies reviewed were the Departments of Agriculture; Commerce; Health, Education, and Welfare (HEW); Interior; and Transportation; the General Services Administration; the Postal Service; the Air Force; and the Veterans Administration (VA). (See app. II for identification of field locations reviewed.) We did not attempt to assess the quality of actual decisions made by CSC or the agencies on individual complaint cases.

Also, we did not review processing of third-party complaints whereby CSC allows general allegations of discrimination to be made by organizations or other third parties in personnel matters which are unrelated to individual complaints. Further, our review did not include an analysis of CSC's proposed regulations on class action complaints in which one or more members of a class can sue for themselves, or for themselves and other members of a class.

Our review placed primary emphasis on the operations of the system, including completed complaint cases for the period July 1972 through December 1974. This was the latest information available at the time of our review. The volume of formal complaints in the agencies reviewed represented about 70 percent of the Government-wide formal complaint volume for fiscal year 1974.

We examined regulations, policies, procedures, and guidance issued to agencies by CSC, as well as the methods CSC and agencies used to direct, monitor, and evaluate programs. Top-level CSC and agency officials responsible for EEO, personnel, and complaint investigations were interviewed. We also discussed the discrimination complaint system with representatives of the Federal Employees Appeals Authority, the Chairman of the Appeals Review Board, and various union officials.

Responses to questionnaires were obtained from complainants, noncomplainants, counselors, managers, and supervisors at installations visited. We reviewed a U.S. Commission on Civil Rights report, "The Federal Civil Rights Enforcement Effort--1974," issued in July 1975 to the President of the United States, the President of the Senate,

and the Speaker of the House of Representatives. We also reviewed recent court decisions on Federal employee discrimination complaints and numerous other documents related to the Federal discrimination complaint system.

CHAPTER 2

SYSTEM PLANNING AND IMPLEMENTATION CAN BE IMPROVED

An effective discrimination complaint system requires top management's commitment, as evidenced in large measure by an adequate application of financial and personnel resources. All agencies we reviewed had operational discrimination complaint systems but the planning and implementation was affected by support provided by top management. Agencies' efforts generally showed a lack of a systematic approach in establishing system requirements.

In addition to the need for more support from top management, the planning and implementation of the complaint system can be improved in terms of its location and the organization of certain of its functions, determining financial resources, and analyzing manpower needs and qualifications.

AGENCY PLACEMENT AND STRUCTURE OF DISCRIMINATION COMPLAINT SYSTEM

Soon after the Civil Service Commission assumed primary responsibility for Federal employee discrimination complaints in January 1965, the volume of complaints necessitated designing a formal structure for complaint processing. CSC, under authority of Executive Order 11246, issued directives to make the system more responsive. These directives included criteria for organizing discrimination complaint systems. Agencies were permitted flexibility in designing and implementing their systems, and as a result each agency had to decide on an organization for its complaint system, including its placement and structure. Agency action was also required on delegating authority and assigning responsibility to operate the complaint system.

The placement of the discrimination complaint system varied in the agencies we examined. The structure also varied. Agencies had various reasons for placing and structuring complaint systems, including credibility considerations, consistency with existing agency operational structures, and proximity to office of personnel resources. The extent to which agencies considered these factors in structuring and placing their discrimination complaint

systems was not determinable because of a general lack of appropriate planning and/or monitoring documentation.

System placement

CSC's Federal Personnel Manual requires each agency to designate a director of equal employment opportunity to operate under the immediate supervision of the head of the agency for certain functions, including the operation of the discrimination complaint system. However, the director of EEO, in at least the Air Force and the Department of the Interior did not report directly to the head of the agency as required by CSC regulations, but reported to designees of agency heads.

The Air Force and the Veterans Administration operated their entire EEO program in the office of personnel, and the Department of Agriculture operated its headquarters EEO program within its personnel section.

A major problem with locating the discrimination complaint system in the office of personnel appeared to involve that office's independence, the lack of which can affect system credibility; the office of personnel, which is ultimately responsible for personnel actions, also must decide cases of alleged discrimination which may involve agencies' personnel actions. The major concern in locating complaint systems outside the office of personnel is that the individuals responsible for complaint processing do not have enough knowledge of, or training in, personnel procedures and practices, the expertise which underlies complaints processing. Thus, formulation of appropriate affirmative action under these circumstances can be difficult if not impossible.

Coordination and communication problems occurred regardless of whether the complaint system was located inside or outside the office of personnel. Some individuals responsible for preparing the affirmative action plans were not sufficiently aware of the problems affecting the complaint system, though the affirmative action plan is the primary document for noting such problems. As a result, in many plans action items relating to the complaint system merely stated administrative requirements, such as providing for an adequate number of counselors and processing formal complaints within 180 days, rather than providing guidance on how problems might be resolved.

Another variance existed with respect to the placement of EEO investigative functions. In at least five agencies, investigators were assigned from organizational elements removed from the office of personnel, such as the General Counsel's office or other professional investigative offices. Agencies also used CSC investigators to handle some cases, either to achieve independence or because they did not have enough investigators. In two agencies, however, individuals operating within the control of EEO offices investigated complaints.

In our opinion, the discrimination complaint system should operate independently of the office of personnel to achieve system credibility. However, we see no objection to having the office of personnel provide logistics for the EEO function.

System structure

The structure of discrimination complaint systems, including degree of centralization and assignment of responsibilities, varied among agencies. All agencies we reviewed had decentralized systems for handling precomplaints; that is, informal complaints were handled by counselors at the locations where the complaints arose. Formal complaints could be accepted at decentralized locations in six of the nine agencies we reviewed, but only four of the nine agencies could reject complaints at decentralized locations. In the remaining agencies, accept-reject decisions were centralized at agencies' headquarters.

Four agencies were centralized in two other important areas--assigning investigators and deciding on the need for disciplinary action. Two other agencies had centralized systems for decisions on disciplinary action. In accordance with CSC requirements, final decisionmaking on formal cases was centralized in each of the agencies we reviewed.

DETERMINING FINANCIAL RESOURCES

There was no reliable data on the costs of operating discrimination complaint systems in the nine agencies we reviewed. Also, Government-wide cost data was not adequate. Data available, however, showed a trend of increasing costs and that the trend will continue.

Although agencies did not maintain actual cost data for the administration and operation of their discrimination

complaint systems, estimated costs for these activities were prepared by agencies for CSC in two reports: (1) the allocation of resources statement in the Affirmative Action Plan and (2) a report of EEO program expenditures required by Office of Management and Budget Circular A-11. CSC, to assist in preparing these reports, provided instructions to agencies for costs to be included in each of them.

Each report includes two cost categories related to EEO complaints--costs of counseling and costs of processing formal complaints. Government-wide costs reported for the complaint system for fiscal years 1974 and 1975 and estimated costs for fiscal year 1976 follow.

	Fiscal year		
	1974	1975	1976 (estimated)
	(millions)		
Complaint conciliation (informal counseling)	$9	$10.3	$12.6
Complaint investigation (formal complaint processing)	9	13.4	15.7

Though the A-11 report includes more cost factors, CSC did not provide enough guidance for consistently developing cost data for agencies' use in the preparation of either of the reports. For example, agencies as a result did not record many of the costs attendant to processing complaints, particularly costs associated with the counseling process. Since a system to record actual counseling costs did not exist, agencies used various methods in arriving at such costs. One agency, for example, used a factor of 21 full days (the time period allocated by CSC regulations for counseling) to arrive at costs. Another agency arrived at its costs by estimating 12 staff-hours for counseling each case. Neither agency had considered all cost factors in accumulating its costs.

Examples of deficiencies or inconsistencies in cost data included these:

--Costs of various agency personnel involved in complaint processing (though not part of the formal EEO structure) were not accumulated. This applies

to complainants, witnesses, and agency representatives, including legal counsel, and others.

--Salary costs for agency management, General Counsel staff, and ad hoc investigators (part-time investigators) were not reported.

--Court costs incurred by agencies were not requested.

Thus, reported system costs were understated.

The Veterans Administration, separate from its reporting of costs to CSC, attempted to determine the costs associated with complaints that became formal in fiscal year 1974. VA determined that its formal complaint processing costs were greater than those reported to CSC, but even that attempt did not include all costs factors.

Investigation and hearing costs varied greatly depending on the particulars of the cases, including complexity, geographic locations, and persons involved. Costs for CSC investigations ranged from under $100 to, in a few cases, over $10,000 and averaged about $2,150. Hearings costs, exclusive of transcript preparation, ranged from $160 to $4,700 and averaged approximately $700 a case for fiscal year 1975.

DETERMINING PERSONNEL RESOURCES

An effective discrimination complaint system requires an adequate number of qualified staff to process complaints. Staffing must be directed toward the goals of prompt, fair, and impartial processing, with emphasis on informal resolution. The basic positions applicable to EEO, and more specifically the discrimination complaint system, include EEO counselors, officers, specialists, investigators, complaints examiners, and directors. CSC has established qualification standards for assignment of EEO work as a collateral duty, and also established the GS-160 Equal Opportunity Personnel Series for essentially full-time specialists and officers.

CSC has provided guidance to agencies to assist them in making staffing determinations. Areas addressed in CSC regulations include:

--Types of positions necessary to operate complaint systems.

--Qualification standards for staffing the positions.

--Quantity of staff (particularly counselors).

--Training of staff.

--Supervision and evaluation of staff.

While CSC prescribes the requirements which agencies are to follow and the guidelines they are to use in establishing and implementing their programs, it has provided flexibility to agencies to meet their specific needs. For instance, in terms of quantity and allocation of staffing, CSC merely requires each agency to " * * * provide sufficient resources to administer its equal employment opportunity program in a positive and effective manner * * *."

Problems noted in either CSC regulations or in agencies' implementation of the staffing regulations are:

--Lack of a coordinated, systematic analysis by agencies to determine staffing needs.

--Lack of criteria for assigning full-time versus part-time staff.

--Need for improvement in race and sex mix of persons in certain EEO positions.

--Nonsubstantiated certification of EEO officials' qualifications.

--Lack of personnel systems expertise.

--Need for additional training for EEO personnel.

--Need for improved supervision, control, and evaluation of employees performing EEO functions on a collateral duty basis.

--Need for a classification standard for EEO positions.

Lack of coordinated, systematic analysis by agencies to determine staffing needs

CSC regulations require that each agency designate as many EEO officers and counselors as necessary to carry out EEO functions, including the operation of the discrimination

complaint system. The regulations also urge each agency to have a staff of investigators readily available to handle complaint cases.

Decisionmaking authority on staffing was decentralized at most agencies we reviewed. For example, agencies' procedures usually required that lower level organizational elements provide for a sufficient number of counselors. Though cognizant officials in most agencies could cite the number of additional staff needed, there was little evidence in the agencies examined of a systematic analysis to determine actual staffing needs on the basis of workload analysis.

We noted or were advised that too little staffing and/or attention to complaints activity were applied in eight agencies reviewed. This was particularly true at the department level and resulted in program management that was reactive in nature. This contributed to the timeliness problems that existed in the processing of complaints and may have affected the quality of complaint processing.

Officials in the Departments of Transportation, Interior, and Health, Education, and Welfare and in the Air Force indicated staffing problems were compounded further by tight personnel ceilings and, in some cases, required the use of collateral duty personnel where full-time personnel positions were preferred.

CSC guidance suggests counseling be available within 2 or 3 days after an initial telephone or written request for counseling service where walk-in service is not feasible. CSC also suggested that counselors should be available for all shifts where there are multishift operations. Although agencies generally conformed with CSC's suggestions, one agency appeared to have too few counselors assigned at some field locations to adequately service the various work shifts, employee needs, and/or major EEO case loads. Also, officials in other agencies advised us that counselors, in a few instances, were not always available when needed.

Lack of criteria for assigning full-time or part-time staff

Agencies must decide whether counselors and investigators, who are the primary discrimination complaint system staff, should be assigned as full-time or part-time personnel. CSC did not provide guidance to agencies as to when counselors and investigators should be full-time or part-time.

CSC's position is that the number of counselors assigned within an agency or installation will vary according to the counseling and complaint workload; the racial, ethnic, and sex make-up of the work force; and the EEO-related problems and issues which have been raised generally. CSC recommended as a general rule that agencies designate at least one EEO counselor at major installations and have an overall ratio of 1 counselor for every 500 employees. CSC has also recognized in its guidance that occasionally the volume and complexity of complaint cases justifies the assignment of full-time counselors. This recognition allows agencies the latitude to assign full-time or part-time counselors as they believe them necessary. All agencies had part-time counselors; this was true at most locations we visited, apparently because the agencies did not believe full-time counselors were needed or could not justify full-time positions. Three agencies--the Air Force, the Postal Service, and the General Services Administration did have a few full-time counselors at certain locations. None of the nine agencies, however, had developed agency-wide written criteria for determining when the volume and complexity of problems warranted full-time or part-time counselors.

Need for improvement in representation for certain EEO positions

In filling EEO positions, most agencies had no formal requirements that the occupants of the positions be representative of the work force with respect to race, sex, or other factors. However, at least 5 agencies--the Department of Agriculture, General Services, Interior, Postal Services, and VA--indicated and provided positive evidence that such factors were considered in selecting individuals for certain EEO positions. The same situation may have also existed in the other agencies, though conclusive evidence was not provided to us during our review.

We obtained information from CSC and other agencies as of a date between June 1, 1975, and November 30, 1975, which showed that minorities and women generally were overrepresented on the agencies' EEO staff (including counselors, EEO officers, EEO directors, and investigators) as compared to their representation in the agencies' work force. However, minorities and women were generally underrepresented as complaints examiners and CSC investigators in comparison to their representation in the total Federal work force. In one agency, for example, the overall work force consisted of 11.5

percent minority and 15.9 percent female employees, whereas the EEO staff was about 69 percent minority and 78 percent female. In another agency the total work force was 22.3 percent minority and 26.7 percent female, whereas the full-time EEO staff was about 70 percent minority and 50 percent female. In a third agency, where the total work force was about 29 percent minority and 68 percent female, more specific data showed:

	Percent minority	Percent female
Counselors	66.0	78.7
Investigators	51.6	54.0
Total EEO staff	53.3	71.3

In other areas of complaint processing, however, women and minorities were generally underrepresented. For example, CSC investigators, complaints examiners, and appeal staff members were predominantly white males.

Minorities and females represented about 20 and 38 percent of the Federal work force, respectively. About 90 percent of the CSC investigators were white males. The minority and female representation for complaints examiners and appeals staff members is shown below.

	Percent minority	Percent female
Complaints examiner	11	11
Appeals staff members	22	25

Nonsubstantiated certification of EEO officials' qualifications

The EEO act of 1972 requires that agencies in their affirmative action plans provide

> " * * * a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program * * *."

CSC has implemented this provision by requiring agencies to certify that the qualifications of certain specified EEO

program officials have been reviewed and meet the pertinent EEO qualifications standards. The certification also requires evidence that the review has been made and that its findings are being maintained and available for examination by CSC officials. In our opinion, EEO positions, like other positions, should be based on merit and filled with qualified persons.

Only one of the nine agencies--the Department of Commerce--provided evidence that a review of the qualifications of the EEO program officials had been made, although signed certifications were included in each agency's fiscal year 1974 affirmative action plan. The primary reason cited for lack of review was the assumption that the individuals were qualified when selected for positions. In our opinion, CSC's requirement that the review be made and evidence of the review and its findings be maintained is reasonable and should be complied with by the agencies.

Lack of personnel expertise

CSC qualification standards for EEO staff positions do not emphasize the need for or desirability of prior personnel management expertise, though numerous EEO complaints involve issues related to personnel practices. CSC, however, recognized the importance of knowledge of personnel activities when, with respect to collateral duty assignments, it required that employees assigned EEO duties be capable of acquiring knowledge and understanding of agency personnel procedures and regulations to properly perform their EEO duties.

The effects of EEO personnel having inadequate personnel expertise can be serious. For example, an EEO officer in one agency, in attempting to resolve a complaint, promised a promotion to a complainant within a specified time without the proper authority to do so. Such promises increase expectations of complainants, causing credibility problems for the agency when it cannot guarantee results.

When the agency concludes that discrimination is present, one method of resolution is to give the complainant priority consideration for promotion. CSC's position is that priority consideration involves considering the individual for promotion to a position for which he is qualified before considering other candidates. The meaning of priority consideration has not been interpreted consistently by cognizant agency EEO officials. One agency official's interpretation was consistent with CSC's view, while two other agency

officials believed it meant placing the individual in competition with others when job openings occur.

Need for additional training for EEO personnel

Personnel involved in discrimination complaint systems should have enough knowledge of the system and the Federal personnel system to properly perform their assigned duties and responsibilities and function effectively. CSC has recognized the need for training and orientation in personnel administration for EEO staffers. In a February 26, 1971, letter to agency heads, CSC recommended that each agency develop indepth orientation programs of personnel administration for newly designated EEO officers and other individuals with responsibility for EEO program administration.

Since most complaints are personnel related, it appears essential that those persons who are responsible for resolving problems involving personnel matters be knowledgeable in and have ready access to personnel information. However, quite often EEO personnel were not knowledgeable in personnel matters when selected for EEO positions and did not obtain the necessary experience or training to perform efficiently after occupying such positions. This was particularly true of those individuals involved in EEO on a collateral duty basis.

We obtained information on training of EEO personnel at five agencies--the Department of Transportation, Agriculture, Commerce, General Services, and VA. None of these had developed an indepth orientation program of personnel administration for newly designated EEO officers or other staff persons having responsibility for EEO program administration, though CSC had recommended such action. Agencies, with few exceptions, relied on CSC to provide basic training for EEO staffs, without providing any coordinated system for determining what advanced training was needed and seeing that it was provided. Eight agencies had in-house training for counselors and/or investigators. However, 35 of 118 counselors interviewed believed they had received insufficient training. Officials in six agencies or agency records indicate that there was a need for additional training of EEO personnel, especially collateral duty personnel.

Need for improved supervision, control, and evaluation for employees performing EEO functions on a collateral duty basis

Collateral duty personnel are assigned to most EEO positions, especially EEO counselor and investigator positions. CSC guidance stipulates that a part-time counselor's position description include a statement of his or her counseling responsibility. This same guidance states that "* * * generally an employee's performance should not be evaluated with regard to part-time counseling duties * * *."

Agencies have followed CSC guidance and not completed formal performance evaluations for individuals performing EEO functions on a part-time basis. This has contributed to a lack of effective control over individuals performing such functions. Agency officials advised us of deficiencies in the performances of part-time EEO personnel, such as late and poorly prepared counselor reports. They had no formal basis to encourage better performance of these functions aside from relieving individuals of their collateral duties.

Most agencies have not complied with CSC guidance suggesting that a statement of their counseling responsibilities be placed in the regular position description of counselors.

Need for a classification standard for EEO positions

In June 1972 CSC provided a qualification standard for EEO positions, that is, an outline of experience and/or education necessary for an individual to qualify for positions. In November 1976 CSC advised us that new written grade evaluation and qualification standards will be issued. The classification standard will match duties with pay level and pay series. This should provide agencies an improved standard to determine what grade levels should be assigned to various EEO positions.

We were advised by a cognizant CSC personnel specialist that EEO programs were staffed without proper studies of exactly what duties were required and what grade levels were appropriate and that the current studies may result in personnel changes of existing EEO positions.

CONCLUSIONS

CSC has estabilised and agencies have implemented an extensive system for processing individual discrimination

complaints. Though a complete framework which provides employees every opportunity to file complaints and appeal decisions of agency heads is in operation, many aspects of the planning, implementation, operation, and evaluation of the system need improvement.

Agencies varied in the placement of the discrimination complaint system in the agency and in the structure or organization of certain functions. The placement and structure of the complaint system can affect both the quality and timely processing of complaints. Therefore, numerous relevant factors must be considered before deciding on the placement and structure of the discrimination complaint system. We believe, however, that agencies did not conduct the necessary planning before making these decisions. For example, it does not appear that agencies have given adequate consideration in the planning phase to such factors as system credibility, coordination with those knowledgeable in personnel, and staffing matters, including determinations on a full-time or a part-time staff. In addition, in some instances the discrimination complaint system was not operated independently of the office of personnel, thus possibly affecting credibility of the system.

We had great difficulty in assessing the depth of planning undertaken by agencies before system implementation, because (1) documentation to show planning generally was not available and (2) the personnel involved in the program at the time of our review had in most cases not been involved with the program originally or with the planning of the system. Therefore, the agencies were not able to provide meaningful information about system planning.

CSC has not specified nor have agencies performed sufficient analysis to know the appropriate level of commitment for operating a discrimination complaint system. Detailed and specific criteria regarding resources for the system and what constitutes a successful system have not been developed.

Agencies had unreliable data on the costs of operating discrimination complaint systems, and Government-wide cost data was inadequate; this was because (1) sufficient guidance for developing data on a consistent basis was not provided to agencies by CSC, and (2) agencies had not developed adequate EEO cost accumulation systems.

We noted the following problems concerning personnel resources involved in systems we reviewed:

--Agencies had not made coordinated systematic analyses to determine staffing needs.

--CSC did not provide adequate guidance to agencies for establishing when counselors and investigators should be full-time or part-time staff members.

--Agencies had no formal requirements for assuring that occupants of EEO positions are representative of the work force with regard to race, sex, or other factors. Agencies were generally well represented in EEO positions, however, with regard to race and sex, although CSC investigators, complaints examiners, and appeal staff members were predominantly white males.

--Agencies generally had no supporting documentation showing that the qualificiations of certain specified EEO program officials were reviewed by the agency and that the officials met the pertinent EEO qualification standards.

--EEO officials, especially collateral duty employees, were not always adequately experienced in personnel matters or sufficiently trained to properly perform their EEO duties.

--Agencies were not adequately supervising, controlling, and evaluating employees performing EEO functions on a collateral duty basis.

--CSC had not issued current qualification standards for EEO positions.

RECOMMENDATIONS

We recommend that the Chairman of CSC:

--Emphasize that agencies should better plan and implement their discrimination complaint systems so that system objectives are met. Agency planning and implementation should include a more systematic approach to placing and structuring systems; obtaining top management commitment; determining financial resources to be applied; and analyzing manpower needs, such as deciding on full-time or part-time staffing, deciding

on staffing representation, documenting that the qualfications of individuals occupying certain EEO positions have been reviewed, determining training needs of EEO staff, and monitoring and evaluating employees performing EEO functions on a collateral duty basis.

--Complete a review of qualification standards for EEO positions.

--Issue additional and more specific guidance to agencies for accumulating and reporting complaint system costs.

We also recommend that the heads of the departments and agencies reviewed take the action necessary to better plan and implement their discrimination complaint systems so that system objectives are met.

CSC COMMENTS AND ACTIONS

In a November 22, 1976, letter (see app. III), the CSC Executive Director outlined the following actions taken or being taken concerning discrimination complaint system planning and implementation:

--CSC concurs with the need for reemphasis of planning and implementation of agency systems and for effective evaluation by EEO program officials of employees who are performing EEO functions on a collateral duty basis. Federal Personnel Manual Letter 713-35, dated April 30, 1976, updated the regulations and policy issuances governing the development of effectively managed complaint systems. CSC has required documentation from agencies of the qualifications of major program officials in the EEO plan evaluation program and established work groups consisting of staff from major agencies for the purpose of screening and evaluating materials currently used to train EEO counselors and investigators. CSC's goal is to develop training modules for use Government-wide, with a view to standardizing high quality training for EEO counselors and investigators and requiring CSC certification.

--Federal Personnel Manual Letter 713-35 requires certification that the qualifications of all EEO staff officials, full-time or part-time, including the Director of EEO, have been reviewed by competent authority and that those in these positions meet the standards in "Qualifications Handbook X-118 under EEO

Specialist GS-160" or "Qualifications Guide for Collateral Assignments Involving Equal Employment Opportunity Duties." New written grade evaluation and qualification standards are to be issued by CSC, which believes they will adequately deal with the issues identified.

--CSC believes that the revised cost reporting feature of the EEO plan outlined in FPM Letter 713-35 may elicit more reliable cost data from agencies but that additional work needs to be done in relating costs reported in the EEO plan to those reported to CSC in annual reports or civil rights expenditures gathered and consolidated for the Office of Management and Budget.

In our opinion, the above CSC actions, if adequately implemented and continued, will improve complaint system planning and implementation. We believe, however, that the guidance to agencies for accumulating and reporting complaint system costs needs to be made more specific on how cost data should be developed. This guidance should explain, for example, how actual counseling costs should be determined so that reporting will be consistent.

CHAPTER 3

FAIRNESS AND IMPARTIALITY

Discrimination complaint systems should be both fair and impartial and be so perceived by employees. Fairness and impartiality are relative standards, that is, one individual's perception of them may not coincide with another's because individual backgrounds, experiences, and expectations vary. Our review assessed the fairness and impartiality of systems primarily from a procedural standpoint without evaluating decisions made on individual complaint cases. Fairness and impartiality require that complaints be processed and judged in a consistent manner and that all parties to a complaint be afforded equal protection of their individual rights. A system so designed should include, but not be limited to, the following:

--Controls adequate to achieve consistency in accepting-rejecting complaints.

--Protection of individual rights, including properly apprising individuals of their rights and affording them every opportunity to exercise their rights.

--Providing investigators, examiners, and other equal employment opportunity officials adequate independence in deciding cases on their merit.

--Controls to preclude reprisals or intimidation of employees filing complaints.

The Civil Service Commission is responsible for administering a discrimination complaint system that provides for the prompt, fair, and impartial consideration of complaints filed by Federal employees or applicants for Federal employment. Further, CSC is responsible for issuing regulations, orders, and instructions to Federal agencies implementing such systems.

CSC, in carrying out these responsibilities, designed a system (see app. I) that provides for specific processing stages and for employee appeal rights. The system also emphasizes the desirability of complaint resolution on an informal basis. The system concept, to enhance fairness and impartiality, includes provisions that:

--Complainants be apprised of their rights at various stages of complaint processing.

--Individuals investigating complaints be assigned from organizational elements separate from where complaints emanate.

--Individuals conducting hearings be assigned from an agency other than the one in which the complaint originated.

--Established procedures be followed in handling reprisal complaints following the filing of discrimination complaints.

--Complainants be provided the right to appeal an agency decision to CSC.

--Complainants be provided the right to file a civil suit subsequent to agency or CSC decision.

COMPLAINANTS GENERALLY APPRISED OF AND AFFORDED RIGHTS

CSC regulations provide that complainants be apprised of and afforded their rights during both the informal and formal complaint stage. We believe that generally complainants were informed during the formal stage. Many complainants interviewed, however, primarily those complaining informally, stated they were not made aware of all rights.

Rights of complainants during informal counseling

CSC regulations require that during the informal counseling stage complainants be

--advised of their right to confidentiality, that is, their right not to be named when counselors gather information relative to complaint issues;

--advised of their right to have a representative with them; and

--notified in writing of their right to file a formal complaint if not satisfied with the informal resolution or if counseling has not been completed in 21 days.

About 185 persons in the nine agencies who complained informally were interviewed. They did not believe they were advised of their

--right to confidentiality (72 cases),

--right to have a representative with them (47 cases), and

--right to file a formal complaint (23 cases).

Counselors said, however, that it was the general practice to advise informal complainants of their rights. We are unable to substantiate the statements made by the complainants or counselors because of the lack of documentary evidence.

A problem noted with the right to confidentiality issue was that if complainants exercised their right to confidentiality, counselors could not fully pursue the facts, thereby negatively affecting the complainants' cases. However, if the complainants' confidentiality was unprotected, managers and supervisors would learn of the complaint, thereby increasing the chances of reprisal. Though we believe that the counselor should discuss with the complainant anything which limits his or her pursing the facts in the case because of confidentiality, the complainant's wish should be honored.

Rights of formal complainants

CSC regulations require that a formal complainant be advised of the right to request a hearing, appeal an agency decision to CSC, and file a civil action within 180 days if the complaint is not resolved or within 30 calendar days of receipt of a notice of final decision by the agency or by CSC in cases appealed to CSC.

CSC guidance emphasizes the importance of advising complainants of their rights in several stages of the formal complaint process, with notification letters made part of the complaint file. In addition, the reverse side of the CSC complaint filing form, which agencies have an option of using, provides a basic statement of complainant rights.

We determined through interviews with complainants and review of complaint files that generally formal complainants were advised of these rights, though all required documentation was not present in some complaint files. We were unable, however, to determine whether this constituted an

administrative problem or represented instances in which employees were not apprised of their rights.

CSC regulations also provide that the complainant or agency has the right to request reopening by CSC's Commissioners of an Appeal Review Board decision upon presentation of evidence which tends to establish that

--new and material evidence is available that was not readily available when the previous decison was issued;

--the previous decision involves an erroneous interpretation of law or regulation or misapplication of established policy; or

--the previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the case at hand or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

CSC places more emphasis on the right to appeal to the Appeals Review Board than on the right to request reopening by CSC's Commissioners. This is evidenced by CSC's guidance, which provides that complainants be advised of their right to appeal to the Appeals Review Board but does not emphasize their right to request reopening by CSC's Commissioners.

AGENCIES NOT CONSISTENT IN REJECTING/CANCELING COMPLAINTS

CSC regulations provide that complaints be rejected if they:

--Are not filed within specified time limits.

--Involve matters identical to matters set forth in a previous complaint by the complainant which was either pending or adjudicated.

--Are not within the purview of the regulations. For example, unacceptable allegations fail to be (1) based on discrimination on the basis or race, color, religion, sex, national origin, or age or (2) made in connection with an employment matter over which the agency has jurisdiction.

CSC regulations also provide that:

> "Even though the allegations contained in a complaint meet the regulatory requirements outlined above, agency officials should not accept for investigation any allegations which are so vague or general that no specfic issues can be defined which pertain to the alleged discrimination suffered by the complainant and which thus could be investigated. If vague or general allegations cannot be made more specific by reference to the EEO counselor's report, the official should give the complainant an opportunity to furnish more specific information on such allegations in an attempt to define the issue or issues which the employee or applicant is raising. If the complainant is unable or refuses to furnish such information within a reasonable period of time, the official should cancel the vague or general allegaions of the complaint for failure of the complainant to prosecute them and advise the complainant in writing of his or her rights of appeal."

Though CSC guidelines attempt to show a difference between rejecting and canceling a complaint, the wording of the regulations can create confusion as to whether vague or general allegations with unspecific issues can be rejected. The confusion results because the above quoted regulation uses the term "should not accept" in discussing cancellation. This term, however, implies rejection.

Though the regulations provide for rejection of complaints, agencies generally did not reject complaints. Officials in most agencies informed us that the general feeling was that if the employee maintained that he or she was discriminated against, the complaint would be accepted and investigated.

The regulations of the Department of the Interior, however, were at variance with CSC regulations in that they required the complainant to show an adverse impact before the agency would accept the complaint. Further, in this agency, complaints were reviewed at the constituent agency level and, if rejected at this level, could be appealed to the departmental level. CSC regulations specify, however, that complainants should be provided the right to appeal a rejection directly to CSC.

The lack of specificity in formal complaints has an adverse impact on case processing. In early 1975 CSC began

stricter enforcement of EEO regulations, with increased emphasis on specificity of issues. With increased emphasis on specificity apparently being expressed by CSC as demonstrated by its remanding of cases, it appears agencies are becoming more concerned about specificity. It was noted during our review that the Department of Transportation had recently started placing emphasis on getting complaint issues clearly defined before commencing an investigation.

In our opinion, such practice should improve both the effectiveness and efficiency of complaint processing by Federal agencies.

NEED TO PRECLUDE MISUSE OF THE COMPLAINT SYSTEM

EEO officials in every agency we reviewed believed that complaints which were not EEO related entered and were processed through the discrimination complaint system. There was no agreement, however, as to the extent of such occurrences, but the general view was that this constituted a fairly important problem. Officials in at least seven agencies stated that some of the complaints were actually grievances, but complainants preferred using the complaint system instead of the system established for handling grievances, because the complaint system was perceived to offer more visibility for their problems and a better chance for a favorable outcome.

This problem and its impact on the complaint system are compounded further by the fact that agencies interpret CSC regulations to mean, in effect, that if an employee files a complaint alleging discrimination, the complaint must be investigated. As a result, it may take an expensive and time-consuming investigation to prove that the individual was or was not discriminated against. We received comments that a few unions had encouraged employees to use the EEO complaint system whenever they had a problem.

Processing complaints that should not be in the complaint system increases agencies' workload and places further strains on staffs and financial resources. Also, it has a negative effect on the credibility of the system from the perspective of management and supervisory personnel, whose commitment to the system is necessary for program success. In addition, handling such complaints can delay processing legitimate complaints.

NEED TO EMPHASIZE FREEDOM FROM REPRISAL

The atmosphere following a discrimination complaint is such that actions taken by management subsequently involving or affecting the complainant can be construed by complainants as an act of reprisal. The comments of some officials or employees interviewed, particularly complainants, support this view. EEO officials in agencies reviewed varied in their opinions as to whether reprisals were being suppressed, were increasing, or constituted a problem.

Fear of reprisal or actual reprisals were of concern to complainants and individuals who had not filed complaints. Of 138 employees who had not filed complaints, 28 cited fear of reprisal as of concern to them and a factor that would bear on a decison to file a complaint. Also, of about 100 complainants interviewed about one-half alleged that they had been subjected to reprisals; however, most of those individuals citing reprisals had not officially notified the agency of the reprisal actions. Types of reprisals cited by complainants included reduced promotional opportunities, more difficult working environment and pressures, supervisory harassment, being subjected to closer scrutiny, and the leaking of personal and/or confidential information.

Though the facts regarding reprisals are far from conclusive, there is a need for CSC to reemphasize to agencies their obligation to see that complainants are not subjected to reprisal. Further, though there was no consensus for separating a complainant from his or her supervisor when the supervisor was the alleged discriminatory official, officials in some agencies believed it could be beneficial depending on the situation and individuals involved.

NEED FOR REEXAMINATION OF THE RIGHTS OF ALLEGED DISCRIMINATORY OFFICIALS

CSC's position is that the employee named as an alleged discriminatory official is not a party to the discrimination complaint proceeding and that the complaint is against the agency and not against a particular individual. As a result, alleged discriminatory officials (1) are not permitted to attend official discrimination complaint hearings except as witnesses, because CSC has taken the position that the agency and not the alleged discriminatory official is a party to the proceeding, (2) have been asked to make statements for inclusion in investigative files without being formally advised, in some cases, that they have been accused of discrimination

or of the issues involved in the case, (3) may not review the investigative file, and (4) are not always advised of the status or results of their cases. Such actions, in our opinion, do not enhance the credibility of the complaint system.

Alleged discriminatory and EEO officials in most agencies expressed concern that the complaint system, as currently operated, deprives alleged discriminatory officials of proper rights because they are not allowed to participate in the complaint proceeding though disciplinary action can be taken against them as the result of a discrimination complaint.

Alleged discriminatory and EEO officials advised us that the rights of alleged discriminatory officials were not specifically protected because

--they were not notified when proposed disposition or final decision was reached by an agency or CSC,

--they may not know they have been accused of discrimination or what they have been accused of,

--they are not provided the opportunity to refute statements made by complainants,

--they are not sufficiently informed of the status of complaints,

--the charges of discrimination were vague, and

--the charges of discrimination were directed at those following agency policies and procedures and not at those responsible for creation of the policies and procedures.

In some instances, contradictory to CSC guidance, we noted that alleged discriminatory officials were allowed to have access to investigative reports and complaint files.

POTENTIAL CONFLICTS MAY EXIST WHEN EEO OFFICIALS ARE NAMED AS ALLEGED DISCRIMINATORY OFFICIALS

EEO officials are sometimes named by complainants as alleged discriminatory officials. The administrative processing of complaints by these officials can create the

appearance, if not the fact, of a conflict of interest. CSC has not provided guidance nor have agencies developed procedures for the appropriate handling of these cases. At least Agriculture and Transportation though, had taken action to alleviate the conflict situation by not allowing EEO officials to become involved in cases in which they were alleged discriminatory officials. In one agency, however, the director of a regional office, who was also the EEO officer, was cited along with the personnel officer as an alleged discriminatory official. These officials were involved in developing the proposed disposition of the case, thereby creating a conflict-of-interest situation.

COMPLAINT SYSTEM NOT ALWAYS PERCEIVED TO BE FAIR AND IMPARTIAL

Though regulations provide for complaint systems to operate in a fair and impartial manner, complainants and EEO staff members expressed concern about system fairness and impartiality.

Of 114 complainants interviewed, 68 believed their complaints were handled with fairness and impartiality, but 46 did not. Complainant beliefs varied significantly between agencies and between headquarters and field locations. Reasons cited by complainants included these:

--Counselors were not objective in resolving complaints.

--Counselors were not devoting enough time to resolving complaints.

--The complaint process was partial toward management.

--Complaint processing took too long.

--Agencies were not providing corrective actions as promised.

--Investigators were not objective or adequately trained to conduct thorough investigations.

Most counselors and other EEO staff members interviewed believed that the complaint system operated in a fair and impartial manner. Of 88 EEO staff members interviewed, 16 did not believe the system was fair and impartial. Reasons cited included these:

--The system could be misused by employees.

--The system favored management.

--Supervisors, at times, would not cooperate on complaint cases.

EMPLOYEES NOT KNOWLEDGEABLE ABOUT COMPLAINT SYSTEM

Most employees interviewed had been made aware of the complaint system through various means, including posters and publications. In fact, 413 of 467 employees had some knowledge of the system. However, a large majority of these employees did not know details of the system. Also, there were indications that agencies were not informing applicants about the system.

CONCLUSIONS

Though agencies' discrimination complaint systems were generally designed to be fair and impartial, the following problem areas were noted:

--Complainants were not always made aware of and afforded all of their rights.

--CSC guidance does not adequately protect the right of complainants to request reopening of their cases by CSC Commissioners when new evidence becomes available.

--CSC guidance on rejecting and canceling complaints was not fully clear on whether vague or general allegations could be rejected.

--Agencies were not consistent in rejecting and canceling complaints.

--Fear of reprisals or actual reprisals were of concern to complainants and individuals who had not filed complaints.

--Rights of alleged discriminatory officials require reexamination.

--Complaints which were not EEO related were processed through the discrimination complaint system.

--EEO officials named as alleged discriminatory officials can become involved in potential conflict-of-interest situations.

--Complainants and EEO staff members had concerns about the fairness and impartiality of certain aspects of the complaint system.

--Not all applicants for employment and employees were knowledgeable about the complaint system.

RECOMMENDATIONS

We recommend that the Chairman of CSC:

--Emphasize to agencies the importance of generally apprising all complainants of and affording them their rights. Consideration should be given to apprising complainants of their rights in a standardized format, such as on a printed card.

--Issue more definitive guidance on apprising complainants of their rights to request reopening of their cases by CSC's Commissioners when new evidence becomes available.

--Provide more definitive guidance on rejecting and canceling complaints, including the variance between the two actions and employee rights as a result of each action.

--Emphasize to agencies the necessity of rejecting and canceling complaints in a consistent manner.

--Reemphasize to agencies their obligation to see that complainants are not being subjected to reprisal actions.

--Reexamine the rights of alleged discriminatory officials with a view towards improving protection of their rights, especially with respect to providing full consideration of their due process rights.

--Issue more definitive guidance to agencies on actions that should be taken to avoid potential conflict-of-interest situations when EEO officers are named as alleged discriminatory officials.

--Require that agencies take measures to properly inform all employees and applicants for employment of the complaint system.

We also recommend that the heads of the departments and agencies reviewed make certain that

--all complainants are apprised of and afforded their rights,

--complaints are rejected and canceled in a consistent manner, and

--complainants are not being subjected to reprisal actions.

AGENCY COMMENTS

In response, CSC said the following (see app. III):

--While it has no evidence that there is a major problem of complainants not being apprised of and afforded their rights, it will look into the need for additional guidance in this area.

--Revised guidance, to be issued, and handbooks accompanying the new regulations will explain more definitively the right of complainants to request reconsideration by CSC.

--It has proposed revisions to its regulations to deal with the need for more definitive guidance on rejecting and canceling complaints, and it expects that these revisions, if adopted, will make agency decisions consistent in this regard.

CSC agrees that employees need to better understand the differences in processing requirements for grievances and complaints and stated that it can intensify training efforts so that counselors can provide better advice to aggrieved persons.

CSC stated that reprisal is a problem of much concern, as indicated by the rising number of complaints and charges on this basis, and that it expects to continue to stress to agencies' EEO program officials their responsibilities to see that complainants are not subjected to reprisal. CSC advised us that the complex subject of the rights of alleged

discriminatory officials is under review, and they expect to issue detailed guidance which will substantially expand the rights of these officials.

CSC further advised us that guidance to agencies on conflict-of-interest questions is now provided on a case-by-case basis, but the subject will be included in a handbook for EEO officers now in draft form.

In our opinion, the above CSC actions, if adequately implemented and continued, will improve the fairness and impartiality of the discrimination complaint system. In addition to these actions, we believe CSC should intensify training efforts not only for EEO counselors but also for other appropriate EEO officials on the differences between grievances and EEO complaints. In our continuing reviews of the EEO program for Federal employees and job applicants, we plan to evaluate the effectiveness of CSC's actions.

CHAPTER 4

RESOLUTION OF COMPLAINTS

The Equal Employment Opportunity Act of 1972, Executive Order 11478, and the Civil Service Commission regulations provide various means and opportunities for resolving complaints by employees who believe they have been discriminated against. These opportunities include, but are not limited to:

--Counseling to attempt to resolve matters on an informal basis.

--The right to file a formal complaint which, if accepted, must be investigated by the agency.

--The right to appeal to CSC if not satisfied with the agency decision or review.

--Access to the civil court system if not satisfied with final action made on the complaint by the agency or CSC's Appeals Review Board.

The EEO act and CSC regulations encourage resolution of complaints on an informal basis. This appears logical and well founded since it is less costly to resolve complaints informally than on a formal basis. Another benefit is that the length of time a complainant's case takes to resolve is much less if complaints are resolved at the informal stage. Although available information was inconclusive, it indicated that agencies generally appeared to emphasize informal resolution of complaints.

When discrimination is found to be present, agencies are authorized to take certain actions, including:

--Making appropriate remedies, including reinstatement or hiring of employees or applicants for employment with or without backpay.

--Correcting personnel management deficiencies which allowed discrimination to occur.

--Taking disciplinary action, if warranted, against discriminatory officials.

We found that agencies generally were making seemingly appropriate remedies but were not correcting personnel management deficiencies or taking disciplinary action against discriminatory officials when findings of discrimination were made.

We did not attempt to assess the quality of the decisions made in resolving complaints.

NEED FOR IMPROVED DATA OR ALTERNATE PROCEDURES FOR ASSESSING INFORMAL RESOLUTION

The importance and success of the informal resolution stage was not determinable because informal complaint statistics were not accurate in the nine agencies reviewed. We believe the statistics were overstated in most instances, although in some cases reported data was understated.

CSC and the agencies we reviewed generally interpreted the percentage of cases that were resolved in the informal stage to indicate the importance and success of informal resolution through counseling. Government-wide statistics showed that approximately 90 percent of informal complaints were resolved in this stage. The statistics in support of this percentage, however, were not reliable.

Although CSC requires agencies to submit monthly reports of precomplaint activity (number of informal cases), no agency reviewed consistently compiled accurate precomplaint statistics. Agency reports were overstated for a variety of reasons, including these:

--Information inquiries or non-EEO complaints, in addition to true precomplaint counselings, were included in statistics.

--Individual counselings reported in one month were also reported in other months.

--Number of allegations rather than number of counselings were shown on monthly reports.

--Clerical errors were made in preparing the reports.

The inaccurate and misleading statistics resulted, in our opinion, because of unclear CSC guidance for the agencies and lack of proper care by the agencies in completing the monthly reports. The monthly reports form was subject to

different interpretation because of its lack of clarity. Specifically, the guidance and report form were not clear on what constituted a precomplaint occurrence.

We attempted to assess the importance and success of the informal resolution stage by reviewing individual complaint cases at field locations in each agency reviewed. Our review, though affected by incomplete or unavailable data on the part of the agencies and its counselors, indicated that agencies generally emphasized informal resolution of complaints. CSC requires counselors to submit a report for individual cases only if a formal complaint is filed and does not require counselors to retain official documentation on cases resolved informally. CSC does require counselors to keep notes to brief EEO officers periodically on counseling activities. Counselors' notes were nonexistent or very brief. The most reliable information, therefore, concerned cases which became formal.

BASIS FOR AND CAUSES OF INFORMAL COMPLAINTS

Government-wide statistics, though not entirely reliable for reasons cited above, showed that informal complaints were made on the following bases in fiscal years 1972 to 1975.

Basis	Fiscal year 1972 Number	1972 Percent	1973 Number	1973 Percent	1974 Number	1974 Percent	1975 (note a) Number	1975 (note a) Percent	Percent increase from fiscal year 1972 to fiscal year 1975
Race/color	11,733	69.7	16,988	63.8	18,029	57.3	19,398	52.4	65
Religion	420	2.5	599	2.2	713	2.3	833	2.3	98
Sex (female)	2,833	16.8	4,819	18.1	6,925	22.0	8,404	22.7	197
Sex (male)	786	4.7	1,414	5.3	3,492	11.1	3,897	10.5	396
National origin	1,061	6.3	2,807	10.6	2,166	6.9	2,416	6.5	128
Age	(b)	(b)	(b)	(b)	130	0.4	2,073	5.6	(b)
Total	16,833	100.0	26,627	100.0	31,445	100.0	37,021	100.0	119

a/The fiscal year 1975 data on the basis of informal complaints was the most recent available as of January 12, 1977.

b/Not applicable for these years.

CSC did not compile Government-wide information on the causes of informal complaints. However, we obtained information on the causes of informal complaints in two agencies.

Matters resulting in informal counseling	Air Force (Mar. 1973 through Dec. 1974) Number of informal cases	Air Force (Mar. 1973 through Dec. 1974) Percentage of total	Postal Service (fiscal year 1975) Number of informal cases	Postal Service (fiscal year 1975) Percentage of total
Initial appointment	186	4.2	1,074	8.6
Promotion	1,266	27.9	1,812	14.5
Reassignment	465	10.2	1,056	8.4
Separation	184	4.1	981	7.8
Suspension	25	.1	785	6.3
Reprimand	66	1.4	1,644	13.2
Duty hours	181	4.1	763	6.1
Job training	253	5.6	468	3.7
Detail	173	3.8	673	5.4
Other	1,755	38.6	3,251	26.0
Total	4,554	100.0	12,507	100.0

CORRECTIVE ACTIONS IN INFORMAL STAGE

CSC records indicate that many cases result in corrective action after counseling at the informal stage. There were 6,817 corrective actions (40 percent of the complaint cases) in fiscal year 1972; 12,594 corrective actions (47 percent of the complaint cases) in fiscal year 1973; and 11,080 (35 percent of the complaint cases) in fiscal year 1974. Information on the types of corrective actions taken was not compiled by CSC nor readily available from most agencies we reviewed. However, we obtained information at two agencies on corrective actions resulting after counseling.

Type of corrective action	Interior (Mar. 1973 through Dec. 1974) Number of actions	Percent of total	Postal Service (fiscal year 1975) Number of actions	Percent of total
Agency improved personnel practices (note a)	61	15.8	1,355	35.3
Promotion given	59	15.3	143	3.7
Training opportunity given	47	12.2	246	6.4
Reappointment/ reinstatement	23	5.9	112	2.9
Requested reassignment given	35	9.1	176	4.6
Adverse action reduced or rescinded	23	5.9	336	8.8
Other disciplinary action reduced or rescinded	14	3.6	318	8.3
Priority consideration for next promotion	79	20.5	114	3.0
Other	45	11.7	1,040	27.0
Total	386	100.0	3,840	100.0

a/Training policies clarified, changes in hiring procedures, improvement of upward mobility programs, and planning and publication of awards program, etc.

FORMAL RESOLUTION OF COMPLAINTS

Formal complaint cases were well documented and information relative to such cases was readily available and appeared to be reasonably accurate, especially when compared to the statistics on informal complaints.

BASIS FOR AND CAUSES OF FORMAL COMPLAINTS

Government-wide statistics showed that formal complaints were made on the bases presented in the chart on the following page in fiscal years 1972 to 1975 and during the first half of fiscal year 1976.

Basis	Fiscal year 1972 Number	1972 Percent	1973 Number	1973 Percent	1974 Number	1974 Percent	1975 Number	1975 Percent	Percent increase from fiscal year 1972 to fiscal year 1975	July-December 1975 Number	July-December 1975 Percent
Race/color	1,256	68.5	1,661	60.5	2,074	58.6	3,159	52.7	152	1,841	51.1
Religion	49	2.7	137	5.0	149	4.2	216	3.6	341	150	4.2
Sex (female)	294	16.0	551	20.1	748	21.1	1,147	19.1	290	660	18.4
Sex (male)	67	3.7	123	4.5	217	6.1	356	6.0	431	225	6.3
National origin	168	9.1	271	9.9	328	9.3	564	9.4	236	328	9.1
Age	(a)	(a)	(a)	(a)	25	.7	550	9.2	(a)	384	10.7
Total	1,834	100.0	2,743	100.0	3,541	100.0	5,992	100.0	227	3,588	100.0

a/Not applicable for these years.

The July to December 1975 data on the bases for formal complaints was the most recent data available as of January 12, 1977.

CSC could provide Government-wide data on the causes of complaints only for fiscal year 1974. Causes for complaints usually were related to personnel actions. The primary cause for complaints concerned promotions (28 percent of the cases). Other primary causes of complaints and percentages of occurrence, in order of cited incidence, were separation (8.4 percent), harassment (7.0 percent), work conditions (6.2 percent), suspension (4.9 percent), nonselection (4.3 percent), and training (4.1 percent).

Specific reasons cited for complaints concerning promotion were:

--Preselection which may violate the CSC Merit Promotion Plan.

--Lack of communication or poor relationship between supervisors and subordinates regarding subordinates' performance.

The basis, cause, and volume of complaints at agencies and installations within agencies often were influenced greatly by factors such as differences in work force composition, agency functions, and degree of union involvement. Specific examples are:

--An agency had few complaints based on age because many of its positions had statutory age limits.

--An agency had a large number of complaints involving training because training was an unusually important factor for advancement in the agency.

--An agency had few complaints overall because most of its employees occupied high level positions. Also, its work force had few females and/or minorities.

--Members of unions filed complaints at rates far in excess of other employees at an agency installation.

CORRECTIVE ACTIONS ON FORMAL COMPLAINTS

The only Government-wide data available for corrective actions taken on formal cases was for fiscal year 1974. This data indicated that 881 corrective actions (34 percent of total formal complaints for fiscal year 1974) had occurred.

The primary types of corrective action taken and percentages of occurrence were:

--Promotion made (15.7 percent).

--Reassignment made (6.5 percent).

--Removal of adverse materials from personnel folders (6.0 percent).

--Awards of backpay (5.6 percent).

--Reinstatement made (5.1 percent).

--Retroactive promotion made (4.4 percent).

--Priority consideration for next vacancy provided (4.1 percent).

--Training given (4.0 percent).

--Management practices improved (3.4 percent).

AGENCY DISPOSITION OF CASES

Data obtained from CSC showed, as presented on the following page, the number of cases decided on merit, withdrawn, rejected, and canceled for fiscal years 1973, 1974, 1975, and July through December 1975.

	Fiscal Year 1973		1974		1975		July-December 1975	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Decision on the merits	865	44	1,410	53	1,855	47	1,059	46
Withdrawn	773	39	870	33	1,359	34	728	31
Rejected	260	13	265	10	614	16	424	18
Canceled	75	4	105	4	132	3	108	5
Total	1,973	100	2,650	100	3,960	100	2,319	100

COMPLAINTS ACTED ON BY APPEALS REVIEW BOARD

The number of complainants filing appeals with CSC's Appeals Review Board after final agency decisions has increased yearly since fiscal year 1973. The Appeals Review Board received 677 cases in fiscal year 1973, 808 in fiscal year 1974, and 1,121 in fiscal year 1975.

The Appeals Review Board received and processed cases in fiscal years 1973, 1974, and 1975, as follows:

	Fiscal year 1973	1974	1975
Closed	685	727	749
Canceled	10	51	54
Action not completed	158	188	506
Total appeals handled	853	966	1,309

The disposition of cases closed by the Appeals Review Board in fiscal years 1973, 1974, and 1975 was:

	Fiscal year 1973	1974	1975
Affirmed agency decision	616	595	564
Reversed agency decision	44	50	74
Remanded (sent back) to agency	25	82	111
Total	685	727	749

COMPLAINTS APPEALED TO CSC COMMISSIONERS

CSC regulations provide that the complainant or agency has the right to request CSC's Commissioners to reopen an Appeals Review Board decision upon presentation of certain evidence. There were requests for reopening 33 cases in fiscal year 1973, 55 in fiscal year 1974, and 12 during July to December 1974. CSC's Commissioners reopened for investigation 7 of these 100 cases.

FINDINGS OF DISCRIMINATION

Official findings of discrimination occur when cases proceed through the complaint system process to a final agency decision. Available data concerning findings of discrimination, therefore, did not include cases resolved by agencies after counseling at the informal stage. It is also important to note that after a complaints examiner conducts a hearing, he or she issues only a recommended decision which an agency may adopt, reject, or modify. However, when an agency has failed to issue a final decision on the complaint within 180 days, an examiner's recommendation for a finding of discrimination will become binding 30 days after the recommendation is made. The following data indicates the findings of discrimination by complaints examiners and agencies for cases decided on merit in fiscal years 1973 and 1974.

	Fiscal year			
	1973		1974 (note a)	
Cases decided on merit	Number of cases	Findings of discrimination	Number of cases	Findings of discrimination
Overall	840	179	1,410	181
By agencies (no hearings)	333	66	767	72
By complaints examiners (hearings)	507	113	643	109

a/Most recent data available as of January 30, 1976.

Agencies did not agree and rejected the complaints examiners' decisions when the examiner found discrimination much more often than when he or she did not find discrimination. The following data shows statistics on agencies' rejections of examiners' decisions:

Hearings and rejections	Fiscal year 1973	1974
Hearings conducted	507	643
Number of rejections	26	36
Number of findings of discrimination	113	109
Agency rejected findings of discrimination	23	29
Number of findings of no discrimination	394	534
Agency rejected findings of no discrimination	3	7

NEED TO IDENTIFY PERSONNEL MANAGEMENT DEFICIENCIES AND SYSTEMIC DISCRIMINATORY PRACTICES

CSC guidance for investigating individual complaint cases discusses, but does not emphasize, surveying the general environment for detecting agencies' patterns or practices which may lead to discrimination. In addition, agencies are authorized to correct personnel management deficiencies which allow discrimination to occur.

Agencies have not identified, to any great degree, personnel management deficiencies that cause discrimination to occur. Officials in most agencies we reviewed said that discrimination does not result from improper personnel policies and procedures but is due to misapplication or lack of adherence to policies and procedures.

Neither CSC nor the nine agencies we reviewed had made any major attempt or achieved progress in identifying the system's discriminatory practices. Several EEO officials questioned the ability of current EEO officers and investigators to deal effectively with such discrimination. An official of CSC's Office of Federal Equal Employment Opportunity advised us that most EEO officers are not capable of dealing with the system's discriminatory practices because they do not adequately communicate with personnel officals. However, in our opinion, efforts to improve

this communication will have to be made by both personnel officials and EEO officers.

LITTLE DISCIPLINARY ACTION TAKEN BY AGENCIES

Agencies were generally not taking disciplinary action against discriminatory officials when findings of discrimination are made, although they were authorized to do so. Selected information obtained at agencies reviewed shows:

--Two documented cases of disciplinary action taken agencywide in a 16-month period ending April 1975, though 113 cases were closed involving 9 findings of discrimination during this period.

--No disciplinary action taken agencywide for the 30-month period ending December 1974. This agency closed 159 cases involving 3 findings of discrimination during this time frame.

--Disciplinary action taken in 1 case during a 32-month period ending August 1975, though the agency closed 724 cases involving 20 findings of discrimination during this period.

--No disciplinary action taken in fiscal year 1974 and the first half of fiscal year 1975, though 106 cases were closed involving 2 findings of discrimination during this time frame.

The kind of disciplinary action usually taken was to issue letters of reprimand to discriminatory officials.

Officials in the agencies we reviewed provided the following reasons for the rarity of disciplinary action:

--The investigation itself is punishment enough for the alleged discriminatory official.

--Discrimination cases are not clear cut and/or overt.

In addition, some agency officials informed us that informal disciplinary actions such as training and reassignment are taken by agencies at times rather than formal disciplinary actions. Officials in two agencies advised us that many of the more serious or overt cases were resolved early in the complaint process, thereby resulting in no

disciplinary action because no official findings of discrimination were made in such cases.

APPEALING CASES TO CIVIL COURTS

CSC did not have a complete count of the number of complaint cases appealed to civil courts. CSC, however, using information provided by the Department of Justice, reported that as of September 1975 about 500 cases were pending in courts.

There has been continual concern about the costs to complainants of appealing their complaint cases to civil courts. CSC has taken the position that it is in the best interest of each agency's EEO program to facilitate volunteer representation for complainants to the extent possible and practicable. The District of Columbia Bar and other bar associations have established programs for providing volunteer legal representation to Federal employees in connection with complaints of employment discrimination. Also, in October 1975, CSC took the position that a conflict-of-interest situation would not exist if Federal employees who are attorneys represent complainants in discrimination complaint cases. Hence, an agency may grant official time away from normal duties to its employees, including attorneys, for the purposes of representing other employees in the same agency. In this regard, the Attorney General of the United States has authorized attorneys in the Department of Justice to use official time in certain circumstances for the purpose of representing employees of other agencies in EEO complaint cases.

CONCLUSIONS

The importance and success of the informal resolution stage were not determinable because of unreliable statistical information. We believe informal resolution statistics were overstated in most instances. We believe that though CSC and the agencies generally interpreted the percentage of cases resolved in the informal stage to indicate the importance and success of informal resolution counseling, this is not a valid, conclusive technique because of unreliable statistics and lack of knowledge about how many of these cases would have become formal had an informal resolution not been attempted.

Agencies, when findings of discrimination were made, were generally making seemingly appropriate remedies but

were not correcting personnel management deficiencies or taking disciplinary action against discriminatory officals.

Although CSC in its guidance to agencies provides that each agency requires its EEO director to make changes in agency programs and procedures to eliminate discriminatory practices, CSC has not directed its primary attention to the subject of systemic discriminatory practices. CSC's primary efforts have been directed almost solely at the processing of individual complaints.

RECOMMENDATIONS

We recommend that the Chairman of CSC:

--Direct that CSC and the agencies make a more concerted effort to identify personnel management deficiencies by systematically analyzing the experience on completed complaint cases.

--Direct that CSC (both on a Government-wide and individual agency basis) and the agencies make a more active effort to identify and eliminate systemic discriminatory practices and develop management controls or mechanisms to monitor and evaluate progress and accountability in identifying and eliminating such practices.

--Reexamine the circumstances under which disciplinary action is to be taken, while making certain in the meantime that agencies are consistent and fair in taking disciplinary action against discriminatory officials.

We also recommend that the heads of the agencies reviewed make a more concerted effort to identify personnel management deficiencies and identify systemic discriminatory practices.

AGENCY COMMENTS

CSC advised us that it does not contemplate at this time a revision of its present position that disciplinary action is a personnel management decision which properly belongs to the agency within which the complaint arises. CSC said it does not believe that a uniform table of penalties is appropriate, but rather that any disciplinary

action taken should give due consideration to the circumstances of each case.

We agree with CSC that due consideration should be given to the circumstances in each case. However, in the interest of agencies' consistency and fairness in taking disciplinary action against discriminatory officials, we believe that CSC should provide guidance as to the types of circumstances under which disciplinary action should be taken.

CSC also advised us that it believes that currently available data, while not comprehensive or complete, has offered significant insights into the relative frequency with which specific personnel actions and other matters have formed the basis for complaints. CSC also believes that its new reporting procedures, together with its current system for indexing decisions, will provide it with an enhanced capability to systematically analyze complaint issues to identify management problems giving rise to complaints.

CHAPTER 5

TIMELINESS OF COMPLAINT PROCESSING

Quantitative standards for processing discrimination complaints were established by the Equal Employment Opportunity Act of 1972 and the Civil Service Commission regulations to enhance system effectiveness. The act states that a complainant may file a civil action

--within 30 days of notice of final action by an agency or by CSC upon appeal of a decision on a complaint of discrimination based on race, color, religion, sex, and national origin or

--180 calendar days after filing the initial discrimination charge with the agency or after filing an appeal with CSC if a decision has not been made.

In response to these provisions of the act, CSC has attempted, through the issuance of guidance and procedures, to impress upon agencies the importance of timely complaint processing by emphasizing the importance of not exceeding 180 calendar days in processing complaints.

On the basis of available data, agencies generally handled informal complaints in a more timely manner than formal complaints. All nine agencies we reviewed averaged more than 180 days in processing formal complaints through final agency decision. Though numerous formal complaints exceeded the prescribed 180-day limit, thereby entitling the complainant to file civil action, few civil actions resulted.

PROCESSING TIME FOR COMPLAINTS

The prompt and objective resolution of complaints is critical from the standpoint of justice to the individual and impact on positive program efforts. CSC regulations specify that a complaint must be resolved 180 calendar days after the filing of a formal complaint and that CSC may take action within 75 days after the complaint has been filed if the agency has not issued a decision or requested CSC to provide a complaints examiner.

Informal counseling

CSC regulations provide that:

--The complainant shall inform the EEO counselor of the circumstances in which he or she believes he or she was discriminated against within 30 calendar days of the date of the matter.

--The EEO counselor will conduct final interviews with aggrieved individuals, to the extent practicable, within 21 calendar days after the date on which the matter was called to the attention of the counselor by the individual. If counseling has not been completed within 21 days, the individual must be notified of his or her right to file a formal complaint.

--The complainant will submit his complaint to the EEO officer within 15 calendar days of the date of his final interview with the EEO counselor.

We reviewed files on informal counseling cases for which adequate documentation existed, that did not result in formal complaints of discrimination. Also, we reviewed files on cases that did become formal complaints. Files on informal counseling cases that did not result in formal complaints generally either did not exist or were incomplete. However, from information that was available, we determined that complainants or the EEO counselors were often not complying with CSC requirements in three important areas:

--Employees in 27 of 207 cases had not contacted an EEO counselor within 30 calendar days of the most recent alleged discriminatory act.

--EEO counselors in 119 of 390 cases had not advised complainants within 21 calendar days of success or failure at attempted informal resolution.

--Employees in 19 of 115 cases had not filed formal complaints within 15 calendar days of final interviews with counselors.

We were not able to determine in most instances why the CSC requirements were exceeded. However, reasons cited for some cases included the extensive development that cases required,

absences of the officials involved, and inaction on the part of the complainants.

Formal complaints

Every agency we reviewed had serious difficulties meeting the 180-day time limit for completing formal complaint processing. In fact, the average processing time for formal cases closed with decisions on merit (cases processed through final agency decision at the headquarters level) exceeded the 180-day limit in every agency for fiscal years 1974, 1975, and the first half of fiscal year 1976. The following chart shows the average processing time in calendar days for complaints decided on merit. Cases in which the agency made an early decision on a case before all processing steps were completed, complaints withdrawn by the employee, and cases rejected or canceled by the agency are not included in these statistics.

Average Processing Time in Calendar Days for Complaints Closed by Decision on the Merits

	Fiscal year 1974	Fiscal year 1975	July 1, 1975 to December 31, 1975
Range of average for the nine agencies reviewed	211 to 490	227 to 466	229 to 454
Government-wide	281	295	315

Agencies were aware of the overall timeliness goals and had generally established interim time limits to aid in achieving the goals. However, the agencies that established interim time limits were not adhering to them.

FACTORS AFFECTING PROCESSING OF FORMAL COMPLAINT CASES

Processing formal compaints in time frames that exceeded the limits prescribed by CSC was affected by agencies' financial and manpower resources (see ch. 2) and the emphasis placed on fairness and impartiality (see ch. 3). Other factors, however, such as the degree to which complaint systems were monitored and evaluated (see ch. 6), also affected processing of formal complaints.

The information we obtained showed that milestones were not met at virtually every formal complaint processing stage. Stages in which important processing delays occurred were these:

--Transmitting complaints to the appropriate level in the agency where actual processing begins.

--Obtaining the counselor's report so that adequate consideration could be given to accepting and rejecting complaints.

--Assigning of investigators and starting formal investigations.

--Completing investigations.

--Formulating proposed decisions.

--Conducting hearings (under control of complaints examiner).

--Preparing final agency decisions.

Agency officials cited or we found a variety of reasons why time limits were not being met, including:

--Reluctance of field offices to forward complaints to agencies' headquarters.

--Lack of availability and turnover of investigators.

--Inexperienced or inadequately trained investigators, especially collateral duty investigators, causing additional investigative work.

--Failure of EEO officers to see that complaints are legible and that all issues in the complaint are presented clearly and specifically.

--Insufficient number of complaint review officials at agencies' headquarters.

--Emphasis on complaint review and qualitative processing.

--Stringent CSC time limits.

--Delays caused by complainants.

We determined that although informal resolution of complaints was encouraged, delays occurred in at least three agencies when agency components held on to complaints instead of forwarding them to the appropriate levels for formal processing. Though agency components may believe they are properly handling complaints, complainants may feel that the agency is not processing the case in the most expeditious manner.

Agencies do not have total control over all processing steps though primary responsibility for processing complaints in a timely manner lies with the agency involved. For instance, agencies at times rely on CSC investigators and the hearing examiners who must be from an agency other than the one in which the complaint originated. In many instances, investigators and examiners exceeded prescribed 45- and 60-calendar-day time limits, respectively. These activities averaged approximately 63 and 76 days Government-wide during fiscal years 1974 and 1975, respectively. There was a great variance between the high and low time frame by case and by CSC region. Hearing examiners' time, for example, varied from 8 to 222 days a case in fiscal year 1974.

Processing stages, including the investigation and hearing, were also delayed because complainants, their representatives, or witnesses were not always available when needed, such as when an agency needed an affidavit or wanted to start the hearing. These delays, which ranged up to 4 months, were not usually within control of the agencies but did affect timeliness. A study by the Department of Commerce showed that complainants contributed to processing delays in one-third of the cases examined.

CSC MONITORING AND ACTION TAKEN

CSC is responsible for assessing agency compliance with the time limits established for the complaint process. Although CSC evaluations of timeliness have improved in past years, they have not provided sufficiently meaningful data to evaluate agency compliance with the 180-calendar-day standard or to assess the validity of the standard.

CSC, to obtain information to assist in evaluating agency complaint processing timeliness, has required agencies

to submit monthly reports on precomplaints and both in-process and closed formal complaints since January 1973. Before that time, these reports were prepared quarterly. These reports show precomplaint activity (basis, cause, and volume) and the status of formal complaint cases which include dates of each processing stage and when cases were closed. Additionally, agencies submit disposition reports to CSC within 10 days of the close of each formal case.

The monthly and disposition reports enable CSC to monitor individual formal cases, determine which formal cases to take over from agencies, and analyze average processing time on formal complaints. Although CSC became aware as early as 1973 that some agencies were failing to submit monthly and/or disposition reports, some agencies were still not filing reports in 1975.

Until March 1975 CSC assessed timeliness by computing the average processing time for all closed cases. Agencies that averaged less than approximately 180 calendar days in the processing of such cases were usually sent a letter by CSC advising them that their timeliness was satisfactory. Agencies averaging over approximately 180 days were sent letters stating that it seemed that sufficient resources and/or attention were not being given to this critical activity. At least three agencies reviewed--the Departments of Health, Education, and Welfare and Interior and the Postal Service--considered the letters from CSC to be the basic evaluation by CSC of the issues of their systems, especially with respect to timeliness.

In reviewing CSC's use of this information, we noted that:

--The average number of days as computed by CSC included cases which did not go through all administrative processing steps. Thus, an agency that rejected, canceled, or resolved a substantial number of cases or had cases withdrawn by complainants early in the formal process was at an advantage over an agency that normally did not experience many rejections, cancellations, early resolutions, or withdrawals. In addition, rejected cases were not reported by two agencies, which caused their average to be higher.

--Agencies generally were apprised of how timely or untimely they were, but not of the stages of the process contributing to delays.

--CSC did not evaluate agencies' performances by determining the number or percentage of processed cases that exceeded 180 calendar days, a measure which would better reflect an agency's ability to process individual cases within 180 days.

CSC modified its evaluation of agency timeliness in March 1975 when it began separating closed cases into four categories, rejections, cancellations, withdrawals, and decisions on the merits. Also, CSC determined average processing times for each category. As a result, three agencies--Interior, the Air Force, and the Veterans Administration, which CSC had earlier praised for timeliness in complaint processing, were determined to actually be untimely. A comparison follows of the two approaches to evaluating timeliness used by CSC for the agencies we reveiwed and also Government-wide for fiscal year 1974:

	Average processing time in calendar days for fiscal year 1974	
	All cases closed	Cases closed with decisions on merit
Range of average for nine agencies reviewed	153 to 395	211 to 490
Government-wide	201	281

While CSC's approaches to timeliness evaluation are of some benefit, they do not adequately show the extent to which agencies exceeded the initial 75-day period without cases being adjudicated or without CSC being requested to supply a complaints examiner. Our review of selected cases closed in three agencies in which a hearing was requested during the first half of fiscal year 1975 showed the following:

	Number of cases involved	Average age of complaint when complaints examiner requested	Number over 75 days	Percent over 75 days
HEW	17	207	17	100
Air Force	43	87	22	51
Commerce	4	217	4	100

CSC's approaches to timeliness evaluation also do not adequately show to what extent agencies are exceeding the 180-day time frame for completing agency processing. We examined many cases closed during fiscal year 1974 and the first half of fiscal year 1975 for the three agencies and determined these results for each of the agencies, respectively:

	Fiscal year 1974		July-December 1974	
	Number of cases closed	Percentage of closed cases exceeding 180 days processing	Number of cases closed	Percentage of closed cases exceeding 180 days processing
HEW	190	89	67	67
Air Force	216	44	152	39
Commerce	38	47	11	82

This information shows that these agencies were not processing a majority of their formal complaints within prescribed calendar-day time limits.

CONCLUSIONS

The processing of informal complaints appears to be timely; however, an analysis of the quality or cost effectiveness of this aspect of the system is not possible because of the variance in recordkeeping by the agencies. Accordingly, the impact of the informal stage on the overall system is not measurable.

Processing formal compaints is not generally accomplished within the established 180-calendar-day standard.

CSC evaluations of timeliness, though improved in past years, did not provide sufficiently meaningful data to evaluate agency compliance with the 180-calendar-day standard. Further, CSC had not studied the appropriateness of the 180-calendar-day case processing standard since it had been established. (The need to evaluate the 180-day standard is further discussed in ch. 6, which discusses monitoring and evaluating the complaint system.)

RECOMMENDATION

We recommend that the Chairman of CSC issue definitive guidance on the records to be maintained by counselors on informal complaints.

AGENCY COMMENTS

CSC advised us that existing CSC guidance to monthly reports of precomplaint counseling, complaint activity, and disposition reports is subject to ambiguous interpretation, particularly with reference to reporting counseling activity, and that the resulting confusion has impaired the reliability of data on this phase of the complaint process. CSC also advised us that a Federal Personnel Manual Letter has been drafted which specifically requires agencies to report only those cases which have exceeded the 75-day and 180-day time limits and requires counselors to maintain written records. (See app. III.)

CHAPTER 6

PROGRAM REVIEWS AND EVALUATION

Sound management practice dictates that programs have built-in mechanisms for self-evaluation and be subject to periodic independent reviews. Although Civil Service Commission guidance referred to the need for program review and evaluation, neither the agencies nor CSC had made reviews of sufficient depth to determine the effectiveness, adequacy, and costs of the Government's discrimination complaint systems.

AGENCY EVALUATIONS OF DISCRIMINATION COMPLAINT SYSTEMS

CSC guidance states that each agency should have a system for internal equal employment opportunity program evaluation which provides periodic progress reports to agency heads. CSC, in its guidance on the preparation of affirmative action plans, advised agencies that the first step in action plan development is to assess the current status of EEO within the agency, locate problem areas, assign objectives and goals, and develop action items designed to overcome identified problems. Further, CSC advised agencies that, in action plan development, the use of vague generalities in describing actions to be undertaken should be avoided. CSC also suggested that agencies avoid emphasis on statements of policy or general intent which lack specificity.

Our review at nine agencies disclosed that none had conducted an indepth agencywide review or evaluation of their discrimination complaint systems. Every agency, however, had made some analysis, as evidenced by information obtained during our review and presented in affirmative action plans and other reports forwarded to CSC. Most frequently, though, the reviews were done informally.

Information in every agency's plan was often general, vague, not problem-oriented, and accordingly not properly responsive to CSC guidance. Few agencies addressed discrimination complaint systems in the evaluative section of their action plans. Agencies that did address discrimination complaint systems did so in a general way by making statements of policy and general intent, which CSC had suggested they not do. Examples of such statements of policy and general intent included in affirmative action plans were:

--Conduct counseling and complaint processing under applicable regulations.

--Have EEO officers see that all complaint counseling duties are performed by properly trained individuals.

--Organize training for all new investigators and for investigators needing retraining.

--Provide adequate staff throughout the organization to effectively carry out a result-oriented EEO program.

--Submit accurate and timely reports.

--Review and evaluate staff and budget resources.

--Review, evaluate, and assess all EEO affirmative action program activities.

CSC EVALUATIONS OF DISCRIMINATION COMPLAINT SYSTEMS

The EEO Act of 1972 requires that CSC be responsible for reviewing and evaluating the operation of all agency EEO programs.

As of November 1975, CSC had not conducted adequate formal evaluations of the effectiveness and efficiency of problems affecting agencies' discrimination complaint systems. CSC's Bureau of Personnel Management Evaluation had conducted reviews of agencies' EEO programs at some locations, but in only a few cases was the discrimination complaint system addressed specifically, and in those instances the reviews were not large enough to address all aspects of the system that influence effectiveness and efficiency.

The only substantive study by CSC's Office of Federal Equal Employment Opportunity was a 1973 survey made of the EEO counseling program at 88 Federal installations. The results of the study, which discussed employee views of counselors and counseling, counselor views, management views, counselor qualifications and accessibility, and counselor selection, were disseminated to agencies' EEO directors and directors of personnel.

CSC's Office of Federal Equal Employment Opportunity requires agencies to submit monthly reports on complaints to

assess complaint processing timeliness on formal cases. CSC's approaches to timeliness evaluation do not adequately show the number of cases which exceed the 180-calendar-day time frame for completing agency processing. More importantly, though, the Office has not evaluated discrimination complaint systems from the standpoint of system quality and costs or attempted to relate complaint processing timeliness to quality and costs. Further, CSC has never reviewed the 180-calendar-day time frame for processing complaints to determine its relevance. The fact that large numbers of cases are not processed within this time frame may indicate the standard is not appropriate.

An official of the Office of Federal Equal Employment Opportunity advised us that his office primarily evaluated the complaints system in terms of agencies' timeliness in processing complaints.

CONCLUSIONS

Neither CSC nor the agencies we reviewed have adequately reviewed and evaluated the discrimination complaint systems in operation to know the effectiveness, efficiency, or costs of the systems or how to enhance them. More importantly, however, sound reviews and evaluations are not possible because of the lack of documentation and reports, or inadequate ones.

Neither CSC nor the agencies know or have assessed the relationship between the qualitative processing of complaints, the processing of complaints within certain time frames, and the cost of operating a complaint system. In addition, data either does not exist or is of insufficient quality to assess system performance and to use for making appropriate improvements or modifications to the system.

RECOMMENDATIONS

We recommend that the Chairman of CSC:

--Take action to improve CSC's reviews and evaluation of complaint systems.

--Develop criteria for and assess the effectiveness and efficiency of agencies' complaint systems that consider qualitative and cost aspects in addition to timeliness consideration. (Depending on the results of this effort, CSC may have to coordinate with the

Office of Management and Budget matters involving complaint system budgeting and costs.) These criteria should include identification of discriminatory personnel practices in relation to charges of discrimination and corrective action taken.

We also recommend that the heads of departments and agencies reviewed take action to improve reviews and evaluations of their complaint systems.

AGENCY COMMENTS

CSC stated that it issued guidance in April 1976 concerning improving the agency reviews and evaluations of complaint systems. In addition, it will consider whether more specific coverage should be included in the CSC evaluation process.

CSC stated that resolution of complaints involves actions by employees and officials which are an essential part of the fabric of day-to-day supervision and management and that the value of a complaint system really should not be measured in cost effectiveness terms. CSC said that the more it has examined this issue, the more it is certain that efforts to gather cost data are not productive. (See app. III.)

We note an inconsistency, however, since CSC, in commenting on the need for specific guidance to agencies for accumulating and reporting complaint system costs, stated that its revised cost reporting feature of the EEO plans may elicit more reliable cost data from agencies sufficient to permit a qualitative assessment of this aspect of agency EEO programs.

In our opinion, cost effectiveness does have relevancy. For example, it would be important for an agency to know that 20 percent, 30 percent, or even 50 percent of its resources are being used for complaint processing and be able to relate this cost to complaint processing timeliness and quality to determine if it should allow that percentage of its resources to be used for that purpose.

CHAPTER 7

OTHER MATTERS

NEED FOR IMPROVED CSC PROCEDURE FOR HANDLING THIRD-PARTY COMPLAINTS

The Civil Service Commission does not provide for processing third-party complaints similarly to individual complaints by employees or applicants for employment.

The regulation pertaining to third-party complaints provides for submission of general allegations by organizations or other third parties of discrimination in personnel matters which are unrelated to individual complaints of discrimination. Third parties under this procedure can call an agency's management attention to policies or practices which they believe to be discriminatory. Such matters are handled solely through an agency investigation and, at the request of the third party, reviewed by CSC. This varies with the procedure for handling individual complaints of discrimination in that individual complaints are handled initially on an informal basis and then formally under specifically described procedures.

Third-party procedures according to CSC guidance are not intended as a means of obtaining redress in individual cases without the filing of complaints personally. Such procedures are not designed or intended to be used as a substitute for equal employment opportunity counseling and complaint procedures.

Effective April 18, 1977, procedures allowing for consolidation of complaints (class complaints) will replace the procedures for processing third-party allegations.

NEED FOR UNIFORMITY IN EEO LAWS

CSC regulations on the processing of age discrimination complaints do not entirely parallel those for complaints based on race, color, sex, religion, and national origin with respect to the right to pursue civil actions because of variances between the Equal Employment Opportunity Act of 1972 and the Age Discrimination in Employment Act of 1967, as amended in 1974.

The EEO act provides that anyone filing a complaint based on race, color, sex, religion, or national origin may file a civil action after the final agency decision or if the complaint has not been resolved within 180 days.

The 1974 law dealing with age discrimination complaints provides than an individual may file a civil action after giving CSC 30 days' written notice of one's intent to do so if one has not filed a formal complaint. The law is silent, however, on an individual's right to pursue civil action if a formal complaint has been filed.

CSC has interpreted the 1974 law to exclude third-party complaints based on age and has provided that age discrimination complainants not be advised of their right to pursue civil action after final agency decision or the expiration of 180 days.

These variances, in our opinion, are inequitable with respect to age discrimination complainants and create a climate of confusion not only for complainants but also for EEO personnel responsible for administering the complaint system. If an individual files a discrimination complaint based on age and sex, the issues related to the two bases must be separated when the complainant wishes to pursue civil action without first pursuing administrative remedies.

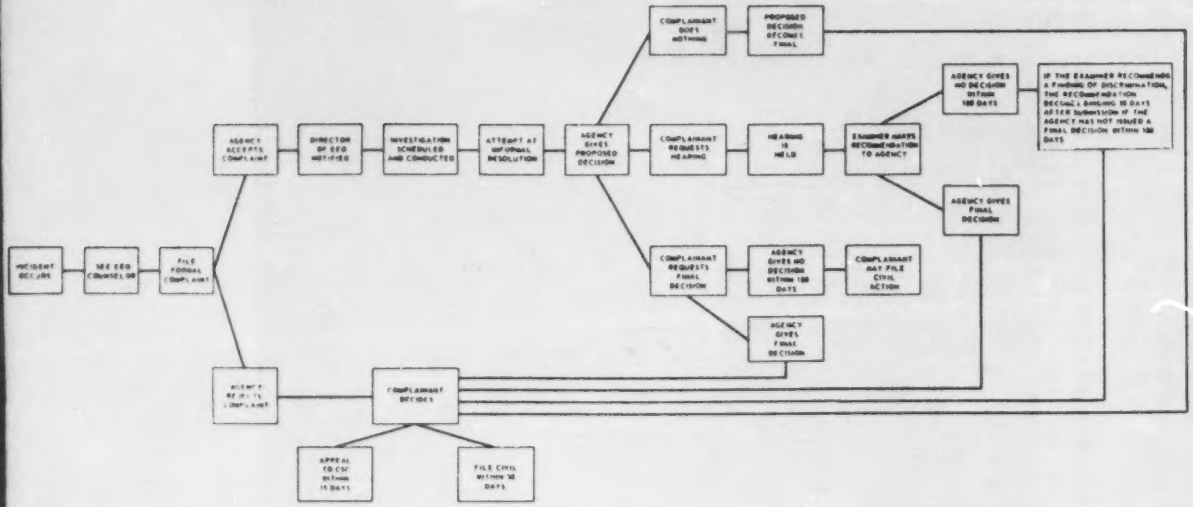
RECOMMENDATION

We recommend that the Chairman of CSC initiate a legislative proposal to bring uniformity to the Equal Employment Opportunity Act of 1972 and the Age Discrimination in Employment Act of 1967, as amended in 1974.

CSC COMMENTS AND ACTIONS

CSC stated that it is exploring the initiation of proposed legislation to bring uniformity to the EEO act and the Age Discrimination in Employment Act. In addition, it plans to issue a CSC bulletin to clarify the distinction between complaints related to the two areas.

DISCRIMINATION COMPLAINT SYSTEM PROCESSING PROCEDURES


SEE EEO COUNSELOR
AGENCY ACCEPTS COMPLAINT
DIRECTOR OF EEO NOTIFIED
INVESTIGATION SCHEDULED AND CONDUCTED
ATTEMPT AT INFORMAL RESOLUTION
AGENCY GIVES PROPOSED DECISION
COMPLAINANT DOES NOTHING
PROPOSED DECISION BECOMES FINAL
COMPLAINANT REQUESTS HEARING
HEARING IS HELD
EXAMINER MAKES RECOMMENDATION TO AGENCY
AGENCY GIVES NO DECISION WITHIN 180 DAYS
AGENCY GIVES FINAL DECISION
COMPLAINANT REQUESTS FINAL DECISION
AGENCY GIVES NO DECISION WITHIN 180 DAYS
COMPLAINANT MAY FILE CIVIL ACTION
AGENCY GIVES FINAL DECISION
AGENCY REJECTS COMPLAINT
COMPLAINANT DECIDES
APPEAL TO CSC WITHIN 15 DAYS
FILE CIVIL WITHIN 90 DAYS

DEPARTMENTS AND AGENCIES AT WHICH EEO DISCRIMINATION COMPLAINT SYSTEMS WERE REVIEWED

Civil Service Commission	Headquarter, Washington, D.C.; Atlanta, Chicago, Dallas, Los Angeles, Philadelphia, and St. Louis Regional Offices
Department of Agriculture	Headquarters, Washington, D.C.; Farmers Home Administration, Headquarters, Washington, D.C., Farmers Home Administration, Temple, Tex., and Kansas City, Mo.
Department of the Air Force	Headquarter, Washington, D.C.; Kelly Air Force Base, San Antonio, Tex., McGuire Air Force Base, Wrightstown, N.J.
Department of Commerce	Headquarters, Washington, D.C.; National Oceanic and Atmospheric Administration Headquarters, Rockville, Md.; and Fort Worth, Tex. and St. Louis
General Services Administration	Headquarters, Washington, D.C.; Region V, Chicago; Region III, Washington, D.C.; Region VI, Kansas City, Mo.
Department of Health, Education, and Welfare	Headquarters, Washington, D.C.; Social Security Administration, Headquarters, Baltimore, Md.; Atlanta Regional Office, Chicago Regional Office, and Program Center, Philadelphia

Department of the Interior	Headquarters, Washington, D.C.: Geological Survey Headquarter, Reston, Va., and Rolla, Mo.
U.S. Postal Service	Headquarters, Washington. D.C.; Post Office, Los Angeles and St. Louis
Department of Transportation	Headquarters, Washington, D.C.; Federal Aviation Administration, Headquarters Washington, D.C., and Atlanta, Kansas City, Mo., and Los Angeles
Veterans Administration	Headquarters, Washington, D.C.; Regional Office, Chicago; Hospital, Dallas Regional Office; Los Angeles; Hospital, Philadelphia

APPENDIX III

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

YOUR REFERENCE

Mr. H. L. Krieger
Director, Federal Personnel and
Compliance Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Krieger:

Thank you for the opportunity to comment on the draft General Accounting Office report on its assessment of the discrimination complaint system over which the Civil Service Commission has major responsibility for enforcement and guidance. We are reassured that the substantial effort devoted to the report by the GAO reflects fitting concern for the operation of a system designed by the Civil Service Commission to assure Federal employees and applicants full protection of their rights to equal opportunity within the Federal work environment. As noted throughout the report, implementation by the Commission of the charter outlined for it by Executive Order 11478, Public Law 92-261 and Public Law 93-259 to provide for the prompt, fair and impartial consideration of complaints of discrimination in Federal employment has been essentially successful, although you pointed to some problems.

On the whole we believe the report targets problem areas in which the Commission anticipates issuance of specific additional guidance to agencies subsequent to the completion and publication of complaint regulations, currently under revision, and regulations for the administrative processing of class actions.

Sincerely yours,

Raymond Jacobson

Raymond Jacobson
Executive Director

Enclosure

APPENDIX III

U.S. CIVIL SERVICE COMMISSION COMMENTS ON DRAFT OF REPORT TO THE CONGRESS OF THE UNITED STATES ASSESSMENT OF FEDERAL GOVERNMENT'S DISCRIMINATION COMPLAINT SYSTEM

Office of Federal Equal
Employment Opportunity
September 1976

(See GAO note, p. 76.)

Our comments on the specific recommendations for action by the Chairman are as follows:

Recommendation

Emphasize that agencies properly plan and implement their discrimination complaint systems to better insure system objectives are met. Agency planning and implementation should include a more systematic approach to the placing and structuring of systems; obtaining top management commitment; determining financial resources to be applied; and analyzing manpower needs, including deciding on full-time versus part-time staffing, staffing representation, documenting the review of qualifications of individuals occupying certain EEO positions, determining training needs of EEO staff, and monitoring and evaluating employees performing EEO functions on a collateral duty basis.

Comment

We regard resource allocation, analysis of manpower needs, and determinations involving the appropriate balance of full-time versus part-time staffing as agency personnel management decisions and stressed this in the issuance of FPM Letter 713-35 on Equal Employment Opportunity Plans. We believe we have gone a long way toward assisting agencies in monitoring their allocation of personnel and resources for their EEO programs, in assessing the effectiveness of their complaint systems and in evaluating the performance of equal employment opportunity program staff. A copy of FPM Letter 713-35 is attached for your information. This guidance supplements and updates the body of regulations, policy issuances, and procedures which now exist to assist agencies in the development of effectively managed complaint systems within their EEO programs. For example, in the area of upgrading the quality of system managers, the Commission has required documentation from agencies of the qualifications of major program officials in the equal employment opportunity plan evaluation program. Work groups have been established, consisting of staff from major agencies which are represented on the IAG Subcommittee on Discrimination Complaint Processing, for the purpose of screening and evaluating materials currently in use within these agencies to train EEO counselors and complaint investigators. Our goal in this effort is to develop training modules for use Governmentwide with a view to standardization of high quality training for EEO counselors and investigators, and requiring Commission certification. We concur with the report's assessment of a need for effective evaluation by agency EEO program officials of employees who are performing

EEO functions on a collateral duty basis. We also concur with the need to reemphasize planning and implementation of agency complaint systems.

Recommendation
Complete a review of qualification standards for EEO positions.

Comment
FPM Letter 713-35, Equal Employment Opportunity Plans, dated April 30, 1976, places major emphasis on the quality of program staffing by requiring certification that the qualifications of all EEO staff officials full-time or part-time, including the Director of Equal Employment Opportunity, have been reviewed by competent authority and the incumbents of these positions meet the standards outlined in Qualification Standard Handbook X-118 under "Equal Employment Opportunity Specialist GS-160" or "Qualifications Guide for Collateral Assignments Involving Equal Employment Opportunity Duties." In addition, instructions require that the findings of such review be available for review by the Commission. We are cognizant of the essential nature of personnel expertise for agency EEO staff and we feel the emphasis on training in recent guidance has been a strong first step in alleviating this aspect of the problem. New written grade evaluation and qualification standards will be issued for comment by the Commission late this fall. The written standard will adequately deal with issues identified.

Recommendation
Issue additional and more specific guidance to agencies for accumulating and reporting complaint system costs.

Comment
The newly revised cost reporting feature of the equal employment opportunity plan found outlined in FPM Letter 713-35 may elicit more reliable cost data from agencies sufficient to permit a qualitative assessment of this aspect of agency EEO programs. Additional work needs to be done in relating costs reported in the equal employment opportunity plan to those reported to the Commission in annual reports on civil rights expenditures gathered and consolidated by the Commission for the Office of Management and Budget.

Recommendation
Develop criteria for and assess the effectiveness and efficiency of agencies' complaint systems that consider qualitative and cost aspects in addition to timeliness

considerations. Depending on the results of this effort, there may be a need to coordinate with the Office of Management and Budget, especially with respect to matters involving complaint system budgeting and costs.

Comment
Our recognition of the importance of the Commission's ability to assess complaint system effectiveness is reflected in recent guidance (FPM Letter 713-35). The value of a complaint system really should not be measured in cost effectiveness terms. The more we have examined this issue, the more we are certain that efforts to gather cost data are not productive. Resolution of complaints involves actions by employees and officials which are an essential part of the fabric of day-to-day supervision and management.

Recommendation
Emphasize to agencies the importance of insuring that all complainants are generally apprised of and afforded their rights.

Comment
While we have no evidence that this is a major problem, communication to individuals of their rights throughout the complaint process is a continuing concern. We will look into the need for additional guidance in this area.

Recommendation
Consideration should be given to apprising complainants of their rights in a standardized format such as on a printed card.

Comment
This matter is currently under consideration. We have standardized materials in the form of Pamphlet 10 and handouts attached to correspondence. The broad spectrum from which applicants come forward makes standardization extremely difficult.

Recommendation
Issue more definitive guidance on apprising complainants of their rights to appeal their cases to CSC's Commissioners when new evidence becomes available.

Comment
Revised guidance and handbooks accompanying the new regulations will explain the right to request reconsideration by the Commission more definitively. As we indicated above,

Commission regulations do not provide for "appeal" to the Commissioners.

Recommendation
Provide more definitve guidance on rejecting and canceling complaints including the variance between the two actions and employee rights as a result of each action.

Comment
While we feel FPM Letter 713-21 has partially alleviated problems which may have given rise to this recommendation, we concur fully with the recommendation and proposed revisions to Part 713 of Commission regulations dealing with this problem and the related problem of abuse of the complaint system addressed by the report (p. 28).

Recommendation
Emphasize to agencies the necessity of rejecting and canceling complaints in a consistent manner.

Comment
Again we concur with the report's recommendation in this regard. The current bases for the rejection and cancellation of complaints (Section 713.215) have been amplified and clarified in the proposed revisions to Part 713. We expect that one of the results of these newly drafted revisions, if accepted in final form, will be to make agency decisions consistent in this regard.

Recommendation
Monitor more closely employee use of the complaint system and take action, as necessary, to insure that the complaint system does not process grievance matters.

Comment
It is not possible to monitor employee USE of the complaint system. We object to the word "monitor." The only distinction between a grievance and a complaint is what the employee perceives is the cause and what the employee believes the contested action was based upon. Frequently and typically, complaints are grievable matters. The difference is the basis upon which the issue is founded (race, color, religion, sex, national origin, and/or age).

We agree that employees need to better understand the distinctions in processing requirements between grievances and complaints. We can intensify training efforts so that counselors can provide better advice to aggrieved persons.

Recommendation
Consider reviewing complaint procedures to insure that agencies are making every effort to preclude non-EEO complaints from entering and being processed in the discrimination complaint system.

Comment
See Comment for recommendation immediately above.

Recommendation
Reemphasize to agencies their obligation to insure that complainants are not being subjected to reprisal actions.

Comment
We agree that reprisal is a problem of significant concern as indicated by the rising number of complaints and charges on this basis. We expect to continue to stress to agencies' EEO program officials their responsibilities to see that operating officials do not subject complainants to reprisal.

Recommendation
Reexamine the rights of alleged discriminating officials with a view towards improving protection of their rights especially with respect to providing full consideration of their "due process" rights.

Comment
The Commission has been aware for some time of the due process concerns of officials who have been named by complainants as responsible for alleged dicriminatory acts. This complex subject is currently under review and we expect to issue detailed guidance in the regulations and in guidance material which will substantially expand the rights of such officials. In addition a proposed new standard complaint form will delete all reference to alleged responsible officials.

Recommendation
Issue specific guidance to agencies as to actions that should be taken relative to potential conflict situations when EEO officers are named as alleged discriminating officials.

Comment
We concur and noted in FPM Letter 713-35 that agencies should have alternative delegations. The subject will be included in a handbook for equal employment opportunity officers, currently in draft form. Guidance to agencies on conflict of interest questions is provided now on a case-by-case basis.

Recommendation
Require that agencies take measures to insure that all employees and applicants for employment are properly informed of the complaint system.

Comment
We concur and can include suggestions in the guidance to be issued subsequent to the revised regulations.

Recommendation
Issue definitive guidance on the records to be maintained by counselors on informal complaints.

Comment
We recognize that existing Commission guidance to agencies on monthly reports of precomplaint counseling, complaint activity and disposition reports (FPM Letter 713-19) is subject to ambiguous interpretaion, particularly with reference to reporting counseling activity, and that the resulting confusion has impaired the reliability of data on this phase of the complaint process. The report notes that the reporting system currently in use by the Commission fails to readily identify the number or percentage of discrimination complaints pending with agencies which exceed the 180 calendar day time limit and/or which exceed the 75 day time limit where either no final decision has been issued or the agency has not requested the Federal Employee Appeals Authority to furnish a complaints examiner (pp. 41-42). An FPM Letter on this subject has been drafted to revise and clarify existing reporting procedures and specifically require that agencies report only those cases which have exceeded the 75-day and 180-day time limits. Additionally, the proposed regulations require that counselors maintain written records.

Recommendation
Insure that CSC and the agencies make a more concerted effort to identify personnel management deficiencies by systematically analyzing the experience on completed complaint cases.

Comment
We believe that the additional focus which will be provided by the new reporting procedures, together with the system currently in place for indexing FEAA and ARB decisions will provide us with an enhanced capability to systematically analyze complaint issues to identify management problems giving rise to complaints. Our evaluation staff can also

provide insights in this area. We believe, however, that currently available data, while not comprehensive or complete as pointed out in the draft report, has offered significant insights into the relative frequency with which specific personnel actions and other matters have formed the bases for complaints.

Recommendation
Insure that CSC, both on a Governmentwide and individual agency basis, and the agencies make a more active effort to identify systemic discriminatory practices.

Comment
We believe that class action regulations, currently in the final stages of Commission review, will promote the discovery of systemic discrimination. Reemphasis of agency responsibility to affirmatively root out discriminatory practices as a result of the resolution of complaints will be provided in guidance material.

Recommendation
Reexamine the matter of the circumstances under which disciplinary action is to be taken while insuring in the meantime that agencies are consistent and fair in taking disciplinary action against discriminating officials.

Comment
We do not contemplate at this time a revision of the Commission's present position that disciplinary action is a personnel management decision which properly belongs to the agency within which the complaint arises. We do not believe that a uniform table of penalties is appropriate, but rather that any disciplinary action taken should give due consideration to the circumstances in each case.

Recommendation
Take action to improve both CSC's and the agencies' reviews and evaluations of complaint systems.

Comment
As we indicate above the Commission has issued guidance in this area to agencies in April 1976. We will, in addition, consider whether more specific coverage ought to be included in our evaluation process.

Recommendation
Consider initiating a legislative proposal to bring uniformity

to the EEO Act of 1972, and the Age Discrimination in Employment Act of 1967, as amended in 1974.

Comment
This recommendation is being explored. It should be noted, however, that a forthcoming CSC Bulletin will clarify the distinction between complaints related to the two areas.

Recommendation
Consider modifying CSC guidance to provide for the processing of class action complaints in a way that is more similar to the processing of individual complaints. The impact on the administrative and logistical process should be an integral part of this process of consideration.

Comment
A complete revision to Part 713 is presently being considered by the Commission. As proposed, the class and first party procedures are substantially similar.

Again, we appreciate the opportunity to review and comment on your report in draft form. We hope that our observations and comments will be helpful to you and we look forward to publication of the final report.

GAO note: Deleted material suggested minor changes to the report. We have considered these changes in this final report. Page numbers mentioned refer to the draft report, and may not correspond to those in the final report.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

September 13, 1976

Mr. Henry Eschwege
Director, Community and Economic
Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Eschwege:

The U.S. Department of Agriculture has reviewed the draft report entitled "Assessment of Federal Government's Discrimination Complaint System" and found it to be comprehensive and informative. We find ourselves in agreement with the recommendations to the Civil Service Commission and the Agencies.

Of particular interest to us was the section on the placement and structure of the discrimination complaint process since we are currently reviewing the placement of the USDA discrimination complaint system. We would be interested in a more in-depth review of credibility as related to placement.

We are also interested in your comments on potential conflicts when EEO Officials are named as alleged discriminating officials. We feel Commission guidance is much needed in this area.

Thank you very much for the opportunity to review this draft.

Sincerely,

J. PAUL BOLDUC
Assistant Secretary for Administration
and
Director, Equal Employment Opportunity

APPENDIX V

DEPARTMENT OF THE AIR FORCE
WASHINGTON 20330

OFFICE OF THE SECRETARY

8 SEP 1976

Mr. H. L. Krieger
Director, Federal Personnel
and Compensation Division
U. S. General Accounting Office
441 G Street, Northwest

Dear Mr. Krieger:

This is in reply to your letter to Secretary Donald Rumsfeld regarding the GAO report dated July 13, 1976, "Assessment of Federal Government's Discrimination Complaint System". It has been reviewed and we concur with its conclusions and recommendations.

Sincerely,

James P. Goode

Deputy

(Acting)

APPENDIX VI

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Administration
Washington, D.C. 20230

AUG 23 1976

Mr. Henry Eschwege
Director
Community and Economic
Development Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

We have reviewed a copy of your proposed report to the Congress on the "Assessment of Federal Government's Discrimination Complaint System." It is our opinion that the Report accurately reflects many of the general problems associated with the Government's complaint system. Further, the Report's specific findings and related recommendations clearly highlight many of the problems inherent in the Government's complaint system.

We feel that if the recommendations addressed to the Civil Service Commission are properly implemented, the overall effectiveness of the Federal Government's complaint system will be substantially enhanced. For our part, the Department of Commerce has recently initiated specific corrective actions closely related to several of the conditions and findings contained in your Report which will also contribute to a more effective Governmental complaint system.

We appreciate this opportunity to provide our general reaction to your proposed Report and look forward to receiving your final Report.

Sincerely,

Joseph E. Kasputys
Assistant Secretary
for Administration

APPENDIX VII

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405

September 17, 1976

Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
Washington, DC 20548

Dear Mr. Staats.

We appreciate the opportunity to review your draft report "Assessment of Federal Government Discrimination Complaint System".

We agree with all of the recommendations to the Civil Service Commission (CSC) and offer comments on number three. The third recommendation states that the CSC should issue additional and more specific guidance to agencies for accumulating and reporting complaint system costs. "Complete" operational cost cannot be accurately formulated under present CSC regulations. The informal counseling system does not require reporting to the EEO Officer work done on an informal complaint. Even if such a complaint eventually becomes a formal complaint, there is no written requirement for EEO Counselors to report hours spent in the counseling process. Also, there is no requirement for accounting for time spent by management officials, deponents, representatives and witnesses who likewise participate in the complaint system. Unless agencies are authorized to get into this area, even in the "informal" stages, for the purpose of reporting time spent by individuals involved, there can be no complete cost figures accumulated and maintained.

If you have any questions, please let us know.

Sincerely,

Jack Eckerd

JACK ECKERD
Administrator

Keep Freedom in Your Future With U.S. Savings Bonds

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

Mr. Gregory J. Ahart
Director, Human Resources
Division
United States General
Accounting Office
Washington, D.C. 20548

Dear Mr. Ahart:

The Secretary asked that I respond to your request for our general reaction to your report, "Assessment of Federal Government's Discrimination Complaint System."

Department officials have carefully reviewed the subject report and wish to commend GAO on the fine work that went into identifying many of the complex issues involved in EEO complaint processing. We look forward to further discussions with the Civil Service Commission on issues raised in the report and possible corrective action.

We appreciate the opportunity to comment on this draft report before its publication.

Sincerely yours,

John Young

John D. Young
Assistant Secretary, Comptroller

APPENDIX IX

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Mr. Henry Eschwege
Director, Community and
Economic Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Eschwege:

This is in response to your draft report, "Assessment of Federal Government's Discrimination Complaint System."

Although the report did not address recommendations to the Department, EO officials of the Department conclude that the report accurately identifies the many problems related to the complaint system. Those recommendations dealing with obtaining top management commitment, determining financial requirements, and analyzing personnel needs are particularly relevant. As a vehicle for corrective action, the report would be improved if it specified which Federal agencies, in addition to the Civil Service Commission, should address the specific problems identified.

We appreciate the opportunity to comment on your report.

Sincerely,

Assistant Secretary of the Interior

APPENDIX X

THE POSTMASTER GENERAL
Washington, DC 20260

September 2, 1976

Mr. Victor Lowe
Director, General Government
Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

This responds to your July 15, 1976 letter in which you requested the Postal Service's general reaction to your draft report on the Assessment of Federal Government's Discrimination Complaint System.

The report effectively summarizes problems in the administration of the Federal Government's discrimination complaint system. The recommendations the report makes to the Civil Service Commission should prove useful in promoting fresh initiatives towards solving the problems cited.

In your final report you may also wish to comment on the additional complications that will arise in the handling of discrimination complaints as a result of the recent Supreme Court opinion in Chandler v. Roudebush, 44 U.S.L.W. 4709 which recognizes a right of trial de novo at the district court level after all administrative procedures have been completed.

You may also wish to comment on the possible impact that the Privacy Act may have on the complaint system, and particularly on how requested information may be released to a complainant without violating the privacy of other individuals to whom the information pertains.

Sincerely,

Benjamin F. Bailar

APPENDIX XI

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

ASSISTANT SECRETARY
FOR ADMINISTRATION

SEP [illegible] 1976

Mr. Henry Eschwege
Director
Community and Economic Development Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

This is in response to your letter of July 19, 1976, requesting comments from the Department of Transportation on the General Accounting Office draft report entitled, "Assessment of Federal Government's Discrimination Complaint System." We have reviewed the report in detail and prepared a Department of Transportation reply.

Two copies of the reply are enclosed.

Sincerely,

William S. Heffelfinger

Enclosures

DEPARTMENT OF TRANSPORTATION REPLY

TO

GAO Draft Report of July 19, 1976

ON

Assessment of the Federal Government's Discrimination Complaint System

Summary of GAO Findings and Recommendations

Although the Civil Service Commission has established, and agencies have implemented, an extensive framework to operate discrimination complaint systems, many aspects of the planning and implementation, operation and evaluation systems were in need of improvement.

Agencies varied with respect to the placement of the discrimination complaint system in the agency and in the structuring or organization of certain functions. The placement and structure of the complaint system impacts on both the qualitative and timely processing of complaints. Therefore, numerous relevant factors must be considered before deciding on the placement and structure of the discrimination complaint system. It is believed that the necessary planning was not conducted nor adequate management support provided by agencies before making these decisions. For example, it did not appear that agencies had given adequate consideration in the planning phase to such factors as system credibility, coordination with those knowledgeable in personnel, and staffing matters, including determinations on full-time versus part-time staff.

Department of Transportation Position

We generally concur in the findings and recommendations contained in the Draft Report. Certain aspects of the report, however, deserve comment. First, it is the position of the Department of Transportation that the discrimination complaint processing system is most effective when it is centrally located within the Agency with its director of EEO reporting directly to the head of the Agency. It is the Department's position that a

APPENDIX XI

centralized placement of the system directly under the head of the Agency provides for maximum credibility.

Second, the Department strongly supports the recommendation for USCSC guidelines for a more systematic approach to structuring of systems and analyzing manpower needs, including deciding on full-time versus part-time staffing.

Third, the report's recommendations for USCSC determinations of (a) training needs of EEO staff and (b) methods of maintaining and evaluating employees performing EEO functions on a collateral duty basis warrant serious consideration.

Fourth, as regards the recommended re-evaluation of the relevance and validity of the 180-day time limit for processing complaints, the Department takes the position that the Commission should make a thorough examination of agencies' resource allocations vis-a-vis untimely complaint processing before any change is made in the currently prescribed time limits. We believe there is a direct correlation between resource allocations and timely processing of complaints.

Fifth, the Department concurs in the recommendation that CSC issue definite guidance on records to be maintained by EEO Counselors on informal complaints and suggests further that this recommendation be expanded to require the numerical evaluation of agency complaint systems in terms of the relative number of their total complaint incidents that are resolved informally as against the number that go formal.

Sixth, the Department supports the recommendation that the USCSC re-examine the matter of the circumstance under which disciplinary action is taken while insuring in the meantime, that agencies are consistent and fair in taking disciplinary action against discriminating officials.

Finally, it is the Department's position that the GAO's examination of the Federal Government's Discrimination Complaint System on the whole has been thorough and its conclusions and recommendations by and large have been objective and sound.

Carmen E. Turner
Acting Director of Civil Rights

APPENDIX XII

VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

SEPTEMBER 8 - 1976

Mr. Gregory J. Ahart
Director, Human Resources Division
U. S. General Accounting Office
441 G Street N. W.
Washington, D. C. 20548

Dear Mr. Ahart:

We have read your draft report "Assessment of Federal Government's Discrimination Complaint System" and concur in its findings. Many of the deficiencies cited were already known to the Civil Service Commission (CSC) and to us. Draft revised regulations, prepared by the Commission after consultation with the agencies, address a number of them.

Recommendations for improvement are directed to the Chairman, CSC, for implementation. We have no objection to any of them.

Sincerely,

Odell W. Vaught
Deputy Administrator - In the absence of

RICHARD L. ROUDEBUSH
Administrator

PRINCIPAL OFFICIALS

RESPONSIBLE FOR ADMINISTERING

ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
Civil Service Commission		
Chairman, Civil Service Commission:		
Georgiana H. Sheldon (Acting)	Dec. 1976	Present
Robert E. Hampton	Jan. 1974	Dec. 1976
Executive Director:		
Bernard Rosen	Jan. 1974	Jan. 1975
Raymond Jacobson	Jan. 1975	Dec. 1976
Director, Bureau of Personnel Management Evaluation:		
John D. R. Cole	Jan. 1974	Dec. 1976
Director, Federal Equal Employment Opportunity:		
Anthony W. Hudson	Mar. 1974	Dec. 1976
Department of Agriculture		
Secretary of Agriculture:		
Bob Bergland	Jan. 1977	Present
John A. Knebel (Acting)	Oct. 1976	Jan. 1977
Earl L. Butz	Jan. 1974	Oct. 1976
Assistant Secretary for Administration:		
Paul J. Bolduc	Jan. 1974	Present
Director of Personnel:		
S. B. Pranger	Jan. 1974	Present
Director, Office of Equal Opportunity:		
James Frazier	July 1976	Present
M. S. Washington (Acting)	Jan. 1974	July 1976

APPENDIX XIII

Department of the Air Force

Secretary of the Air Force:		
Thomas C. Reed	Dec. 1975	Present
James W. Plummer (Acting)	Jan. 1975	Nov. 1975
John L. McLucas	Nov. 1974	Dec. 1975
Deputy Assistant Secretary, Personnel Policy:		
James P. Goode	Jan. 1974	Present
Assistant for Equal Opportunity:		
William R. Beard	Jan. 1974	Present

Department of Commerce

Secretary of Commerce:		
Juanita Morris Kreps	Jan. 1977	Present
Elliott L. Richardson	Feb. 1976	Jan. 1977
Rogers C. B. Morton	Jan. 1975	Feb. 1976
Frederick B. Dent	Jan. 1974	Jan. 1975
Assistant Secretary for Administration:		
Guy W. Chamberlin, Jr.	Jan. 1977	Present
Joseph E. Kasputys (Acting)	Feb. 1976	Jan. 1977
Guy W. Chamberlin, Jr. (Acting)	Jan. 1975	Feb. 1976
Henry B. Turner	Jan. 1974	Jan. 1975
Director, Office of Personnel:		
John M. Golden	Feb. 1976	Present
Wade B. Ropp	Aug. 1974	Feb. 1976
Wade B. Ropp (Acting)	July 1974	Aug. 1974
John Will	Jan. 1974	June 1974

Department of Health, Education, and Welfare

Secretary of Health, Education, and Welfare:		
Joseph Califano, Jr.	Jan. 1977	Present
David Mathews	Jan. 1976	Jan. 1977
Casper W. Weinberger	Jan. 1974	Jan. 1976

APPENDIX XIII

Deputy Assistant Secretary for Personnel and Training:		
Raymond Sumser	Feb. 1976	Present
Robert M. Fisk	Dec. 1975	Feb. 1976
William Russell	Jan. 1974	Dec. 1975

Department of Interior

Secretary of Interior:		
Cecil D. Andrus	Jan. 1977	Present
Thomas S. Kleppe	Oct. 1975	Jan. 1977
Stanley K. Hathaway	June 1975	Oct. 1975
Kent Frizzell (Acting)	May 1975	June 1975
Rogers C. B. Morton	Jan. 1974	Apr. 1975
Director, Organization and Personnel Management:		
John F. McKune	Jan. 1974	Present
Director, Office of Equal Opportunity:		
Edward E. Shelton	Jan. 1974	Present

Department of Transportation

Secretary of Transportation:		
Brock Adams	Jan. 1977	Present
William T. Coleman, Jr.	Mar. 1975	Dec. 1976
John W. Barnum (Acting)	Feb. 1975	Mar. 1975
Claude S. Brinegar	Jan. 1974	Feb. 1975
Director, Personnel and Training:		
R. J. Aifultis	Jan. 1974	Present
Director, Equal Opportunity:		
Carmen Turner	Jan. 1976	Present
James Frazier	Feb. 1974	Jan. 1976

U. S. Postal Service

Postmaster General:		
Benjamin F. Bailar	Jan. 1975	Present

Senior Assistant Postmaster General, Employee and Labor Relations:		
James V. P. Conway	Sept. 1975	Present
Vacant	Apr. 1975	August 1975
Darrell F. Brown	Jan. 1975	April 1975
Director, Office of Equal Opportunity:		
Alvin Prejean	Jan. 1975	Present

General Services Administration

Administrator:		
Robert T. Griffin (Acting)	Feb. 1977	Present
Jack M. Eckerd	Nov. 1975	Feb. 1977
Dwight A. Ink (Acting)	Oct. 1975	Nov. 1975
Arthur F. Sampson	Jan. 1974	Oct. 1975
Director, Office of Personnel:		
James W. Hardgrove	Jan. 1974	Present

Veterans Administration

Administrator:		
Richard L. Roudebush	Oct. 1974	Present
Donald E. Johnson	Jan. 1974	Oct. 1974
Assistant Administrator for Personnel:		
Richard D. Brady	Jan. 1974	Present